

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4558 of 2015 (O&M)

Date of Decision:- 4.7.2016.

Punjab State and another

.....Appellants

Versus

Sawinder Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Piyush Bansal, DAG, Punjab.

P.B. BAJANTHRI, J.

CM No.10942-C of 2015

Application seeking condonation of delay of 67 days in filing the appeal is allowed for the reasons stated in the application and affidavit.

RSA No.4558 of 2015

The appellants have questioned the validity of the trial Court order dated 21.2.2013 and Appellate Court order date 9.2.2015 in the RSA.

Respondent No.1 had joined service on 11.5.1971. Service benefits like proficiency step up, increments on completion of 8, 16, 24 and 32 years of service have been denied and further he

has not been granted promotion to the cadre of Inspector from the date when his junior was promoted. In the year 2007, the petitioner filed a civil suit before the trial court seeking for declaration. On 21.2.2013, trial court decreed the suit that the first respondent is entitled for increments as well as proficiency step up for completion of 8, 16, 24 and 32 years of service and further directed to fix and refix pay of the first respondent after allowing the aforesaid increments and further directed to consider name of the first respondent for the post of Inspector as per Rules with all consequential benefits within a period of 3 months failing which 6% interest is to be paid. The appellant feeling aggrieved by the trial court order preferred a civil appeal before the Additional District Judge, Amritsar. On 9.2.2015, order passed by the trial Court has been upheld. Thus, the appellant is before this Court questioning both the trial court as well as Appellate Court order.

Learned counsel for the appellant submitted that service benefits of the first respondent had not been granted for want of service register/records. It was further contended that first respondent's claim is belated. He has approached Court only in the year 2007. Therefore, he is not entitled. The service records are required to be maintained by the concerned Department/Head of the Department. If the service record is not maintained by the Department, the employee should not be denied the service benefits. Therefore, there is no infirmity in the order of the trial Court as well as

Appellate Court. No grounds have been made out to interfere with the trial court as well as Appellate Court order.

Dismissed.

No order as to costs.

(P.B. BAJANTHRI)
JUDGE

July 4, 2016.

sandeep sethi