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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA No.5174 of 2015

Date of decision: February 18, 2016

Ramesh Chand

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.R. Kaith, Advocate
for the appellant.

SABINA, J

Appellant had filed suit for declaration that he was entitled for pay step up on his promotion to the post of Inspector as on 10.10.2000 equivalent to his junior Om Parkash.

The case of the appellant, in brief, was that he had joined as a Conductor with the respondents on 13.07.1968 and was promoted as Sub-Inspector on 22.02.1990 and as an Inspector on 10.10.2000. Appellant retired from service on 31.01.2006. Appellant belonged to General category. Om Parkash junior to the appellant, belonged to Scheduled Caste category and had joined as a Conductor on 03.02.1969 and was promoted as Inspector on 26.03.1984 and as Chief Inspector on 06.07.2001 against reserved post. Om Parkash had retired from service as Chief Inspector. Pay of the appellant was liable to be

stepped up equivalent to his junior Om Parkash w.e.f. 10.10.2000.

Respondents in their written statement averred that the appellant had joined as a Conductor on contract basis on 03.08.1968. Appointment of the appellant was made regular on 09.07.1969. Therefore, appellant could not claim any benefits qua the service rendered by him on *ad hoc* basis till the date of his regularisation. Om Parkash was senior to the appellant as he had joined the respondent-Department on regular basis in the year 1968.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled to decree for declaration as prayed for?OPP
2. Whether the plaintiff is entitled to decree for permanent injunction as prayed for?OPP
3. Whether the suit is not maintainable?OPD
4. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 13.11.2014 dismissed the suit of the appellant-plaintiff. The said judgment/decreed passed by the trial Court were upheld in an appeal filed by the appellant-plaintiff by the First Appellate Court vide its judgment/decreed dated 24.04.2015. Hence, the present appeal by the appellant-plaintiff.

I have heard learned counsel for the appellant and

have gone through the record available on the file carefully.

In the present case, both the Courts below after appreciating the evidence led by the parties on record have held that the appellant had joined the service of the respondents on 13.07.1968 and his services were regularised w.e.f. 09.03.1969, whereas, Om Parkash Ranga was appointed on regular basis w.e.f. 03.02.1969. Thus, so far as Om Parkash Ranga is concerned, he was senior to the appellant as he had joined the service on regular basis prior to the date of regularisation of the appellant. So far as the service rendered by the appellant, prior to regularisation of his services is concerned, the same cannot be counted towards seniority.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

February 18, 2016
mahavir