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

RSA No.4492 of 2014

Date of decision: January 11, 2016

Hardwari Lal

.....Appellant

Versus

PEPSU Road Transport Corporation

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Samir Rathaur, Advocate
for the appellant.

SABINA, J

Appellant has filed suit for declaration that he was entitled to special increment on completion of 24 years w.e.f. 01.01.1996 along with consequential benefits.

The case of the appellant, in brief, was that he had joined service of the respondent as a Conductor on daily wage basis on 19.04.1970 and was regularly appointed as a Conductor on 01.08.1970. Appellant earned due promotions and retired on 31.05.2008. However, appellant was not granted promotional increment on completion of 24 years of service.

Defendant in its written statement admitted the date of appointment and the date of retirement of the appellant. So far as the relief sought by the appellant was concerned, it was averred that the appellant was not entitled qua grant of increment on completion of 24 years of service

as he was not eligible under the Assured Career Progression (ACP) Scheme.

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

- “1. Whether the plaintiff is entitled to declaration as prayed for?OPP
2. Whether the suit of the plaintiff is not maintainable?OPD
3. Whether the plaintiff by way of his own act and conduct is estopped from filing the present suit?OPD
4. Whether the plaintiff has no cause of action to file the present suit?OPD
5. Whether the suit is false, frivolous and vexatious to the very knowledge of the plaintiff who has unnecessarily dragged and replying defendants in uncalled for litigation as such defendant corporation is entitled to special costs of Rs.5,000/- under section 30-A CPC?OPD
6. Whether the suit is bad for non-joinder of necessary parties, as such same deserved to be dismissed?OPD
7. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 21.02.2013 dismissed the suit of the appellant-plaintiff. The said judgment/decreed passed by the trial Court were upheld by the First Appellate Court vide judgment/decreed dated 09.04.2014 in an appeal filed by the appellant-plaintiff. 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, admittedly appellant had joined service of the respondent as a Conductor on 19.04.1970. Appellant had earned due promotions and retired as an Inspector on 31.05.2008. It has been noticed by the Courts below that the ACP Scheme was introduced w.e.f. 01.01.1996 vide letter dated 23.09.1998. It has further been noticed by the Courts below that as per the scheme and letter dated 10.01.2000, an employee was required to earn atleast 50% good reports in his overall service record including atleast two of the last three reports as good. The rest of the reports may be satisfactory/average. It has further been noticed by the Courts below that as per Exhibit D5 appellant had earned good reports from the year 1987-1988 and 2000-2001 and all the remaining reports were average. So far as the last three Annual Confidential Reports of the appellant were concerned, only one report was good. Since the appellant did not have the requisite good reports entitling him for grant of promotional increment on completion of 24 years, the Courts below had rightly dismissed the suit filed by the appellant.

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

Dismissed.

**(SABINA)
JUDGE**

January 11, 2016
mahavir