

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

204

**CM-7092-C-2011 in/and
RSA-2570-2011 (O&M)
Date of Decision:13.12.2017**

**HARYANA STATE AGRICULTURE MARKETING BOARD
....PETITIONER**

VS

MAHENDER SINGH PILINIA & ANR.RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Hitesh Pandit, Advocate
for the appellant.

Mr. Dinesh Arora, Advocate
for the respondents.

AJAY TEWARI, J.(Oral)

CM-7092-C-2011

This is an application for making good the deficiency of Court fee.

For the reasons recorded in the application, the same is allowed.

CM-7094-C-2011 and Main Case

This appeal has been filed against the concurrent judgments of the Courts below partly decreeing the suit filed by the appellant. The claim of the appellant was two fold:-

1. Parity with one Raghuvir Parshad who was junior to him.
2. Increment be granted to him with effect from April and not from January.

Both the Courts below found that Raghuvir Parshad was infact junior to the respondent and also that the appellant had not been able to place

any material on the record which disentitled the respondent from claiming his increments with effect from April instead of January. However, since parity was claimed from the year 1979 and the suit was filed in 2006, the actual benefits were restricted to 38 months. Learned counsel has argued that alongwith this appeal an application bearing No. CM-7094-C-2011 under Order 41 Rule 27 CPC has been filed for permission to lead additional evidence and additional evidence sought to be led is an option stated to have been exercised by the respondent wherein he had himself prayed his increments be released with effect from January instead of April. This application however does not answer the requirement of Order 41 Rule 27 C.P.C. since there is no averment also as to why the said evidence could not be placed at the appropriate stage.

In the circumstances, there is no reason to allow the application and I reject the same.

On merits, counsel has argued that the respondent has not impleaded Raghuvir Parshad. He has however not able to deny that no relief has been sought from Raghuvir Parshad but only seeking parity.

No fault can be found in the judgments of the Courts below. The appeal stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

13.12.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No