

**CM-2145-46-C-2011 in/and
RSA-776-2011**

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

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**CM-2145-46-C-2011 in/and
RSA-776-2011
Date of Decision: 15.12.2017**

MOHINDER SINGH

....APPELLANT

VS

STATE OF PUNJAB AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Mohit Jaggi, Advocate
for the applicant-appellant.

Mr. Aditya Sharda, AAG, Punjab.

AJAY TEWARI, J.(Oral)

CM-2145-46-C-2011

These are two applications for condonation of 8 days delay in filing the appeal and 73 days delay in refiling the appeal.

For the reasons recorded in the application, the same are allowed and delay of 8 days in filing the appeal and 73 days in refiling the appeal is condoned.

Main Case

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant. The appellant had entered service in January 1963 and had retired in the year 31.3.1999 having earned one promotion on 26.1.1996. He filed the instant suit claiming that prior to the promotion which he had earned at the end of his career, he had put more than 32 years of service on the same post and was therefore, entitled to be

considered for proficiency step-up and he would be entitled to the benefit of the Assured Career Progression Scheme notified by the State of Punjab on 25.9.1998. The notification had further mentioned that the scheme would come into force with effect from 1.1.1996. Both the Courts below held that since the scheme had to come into force with effect from 1.1.1996 the claim of the appellant would have to be considered on that date. As per that scheme the essential pre requisite to render a person entitled to get the benefit was two folds :-

1. that at least 50% of his service record is 'good' or above
2. and two of his last three ACRs should be 'good'.

Looked at from that stand point the appellant admittedly did not make the cut. Consequently, both the Courts below dismissed the suit. Learned counsel has argued that infact his service record had to be seen with effect from the date/s on which he completed his 8, 16, 24 and 32 years of service.

In my opinion, this argument cannot prevail. Once the scheme had come into force with effect from 1.1.1996 the claim of those persons who had become entitled even prior would have to be considered with effect from the date of the scheme.

Consequently, the appeal stands dismissed.

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

15.12.2017
anuradha

(AJAY TEWARI)
JUDGE

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