

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CM-15117-C-2015 in/and
RSA-6040-2015
Decided on : 4.10.2017

EXECUTIVE ENGINEER, PUBLIC HEALTH ENGINEER
DIVISION, (PWD), REWARI

....PETITIONER

VS

GIAN CHAND

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Dr. Sushil Gautam, DAG, Haryana
for the applicant-appellant.

Mr. Abhishek Yadav, Advocate
for the respondent.

AJAY TEWARI, J.(Oral)

CM-15117-C-2015

This is an application for condonation of delay of 126 days in
filing the present appeal.

For the reasons recorded in the application, the same is
allowed and delay of 126 days in filing the appeal is condoned.

Main Case

This appeal has been filed against the concurrent
orders/judgments of the Courts below decreeing the suit filed by the
respondent.

The claim of the respondent was that once he was promoted as
Charge Man he was entitled to get an increment @ 3% of his basic pay

in the same manner as was given to one Kartar Singh who was promoted two days after him. In pursuance of instructions Ex. P-1 in fact order Ex.P-2 was passed by which increment was granted to him but it was never implemented.

It was noticed that in the written statement these facts were not denied. Even DW-1 admitted these facts and it was in these circumstances that the suit was decreed.

Learned Deputy Advocate General has sought to rely some subsequent instructions which as per him disentitle the respondent but he has accepted that the order Ex. P-2 was never withdrawn and he has also not been able to deny that the said Kartar Singh was given this benefit.

In this view of the matter, I see no reason to take a different view to that of Courts below.

The appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

4.10.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No