

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-5856-2016 (O&M)

Date of Decision:-18.01.2018.

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

.....Appellants

Versus

Yashvir Singh Gulia

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Abhilaksh Grover, Advocate for the appellants.

P.B. BAJANTHRI, J. (Oral)

CM-15352-C-2016

Heard.

Delay of 07 days in re-filing the present appeal is condoned.

CM stands allowed subject for the reasons stated in the application as well as affidavit.

CM-15353-C-2016

Heard.

Delay of 65 days in filing the present appeal is condoned.

CM stands allowed for the reasons stated in the application as well as affidavit.

RSA-5856-2016

Respondent's name for promotion to the post of Law Officer was overlooked on 24.10.1996 due to Annual Confidential Report for a

particular period was not up to the mark. Undisputed facts are that adverse remark in the Annual Confidential Report were expunged. The same has been taken note of and respondent was promoted to the post of Law Officer w.e.f. 24.10.1996 on 12.11.2010. In this background, whether respondent is entitled to arrears of pay during the period from 24.10.1996 to 12.11.2010 or not was the issue. Whereas in the suit before the Trial Court, grievance of the respondent is for payment of arrears for the period from 24.10.1996 to 13.09.1998. Suit was decreed in favour of the respondent. Consequently, appeal was preferred by the Department. Department suffered order before the Appellate Court. Hence, the present appeal.

No substantial question of law is involved in the present appeal. Question for consideration is whether respondent is entitled to arrears of pay or not having regard to the fact that he was promoted retrospectively from 24.10.1996 on 12.11.2010. Moreover, prayer of the respondent is only to the extent that he is entitled to arrears of pay during the period from 24.10.1996 to 13.9.1998. Hence, the appellant has not made out a case so as to interfere with the Appellate Court order.

Accordingly, appeal stands dismissed *in limini*.

(P.B. BAJANTHRI)
JUDGE

January 18, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.