

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

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**RSA-6396-2016 (O&M)
Date of decision:16.03.2018**

Amarjit Singh

... Appellant

Versus

State of Punjab

....Respondent

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

Present: Mr. P.K.Bansal, Advocate for the appellant.

P.B. BAJANTHRI, J. (ORAL)

CM-16790-C-2016

This is an application for condonation of delay of 116 days in filing the appeal. Heard. In view of the reasons mentioned in the application and affidavit, same is allowed.

Delay of 116 days in filing the appeal is condoned.

Main case

In the instant appeal, appellant's grievance is to count the past service rendered by him with the respondent for the purpose of extending service benefits like annual increment, refixation of pay, allowance and other benefits. Perusal of the appellant's order of appointment issued on 11.09.1998 it is evident that he has been appointed as Driver in the pay scale of Rs.3300-6200 with a rider that without extending benefit of past service in the public interest. As long as this rider imposed in the order of appointment dated 11.09.1998 is not struck down by the competent court, appellant is not entitled to relief sought in the suit. He had cause of action

on 11.09.1998 in respect of challenging rider imposed in the order of appointment. He was remain busy in making representation and as and when his representation was rejected on 26.05.2011 he filed a suit. Unless and untill rider imposed in the order of appointment dated 11.09.1998 is not struck down by the competent court appellant is not entitled to relief sought in the suit. Accordingly, appellant has not made out a case so as to interfere with the trial and appellate courts judgments.

2. Accordingly RSA stands dismissed.

16.03.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No