

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

RSA-5941-2017 (O&M)

Date of Decision:09.03.2018

Krishan Singh

... Appellant

Vs.

The Rohtak Cooperative Milk Producers Union Limited and another

... Respondents

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

Present : Mr. S.N. Pillania, Advocate
for the appellant.

P.B. BAJANTHRI J. (Oral)

C.M. No.15597-C of 2017

In view of the averments made in the application as well as affidavit, delay of 258 days in filing the appeal stands condoned.

Application stands allowed accordingly.

Main case

In the instant appeal, appellant's grievance is that he is entitled to the benefit of special/additional ACP grade pay of PB-1 5200-20200 with grade pay of Rs.4000/- as and when he completed 24 years regular satisfactory service under the quota of 20% cadre post of the driver. This benefit is restricted to such of those drivers who are driving staff car and jeep and not for the drivers who are driving heavy vehicle. Appellant was driving heavy vehicle from 1999 till 2013. From 2014 onwards due to the appellant's physical condition, he was accommodated in the ministerial cadre. In view of these facts and circumstances, rightly trial court held that appellant is not entitled to the relief sought by him. Further it is to be noted that order dated 19.10.2011 (Annexure A-1) relating to improving pay structure of the staff car and jeep drivers issued under Rule 26 and Rule 28

of Haryana Civil Services (Assured Career Progression) Rules 2008 is restricted to such of those drivers who are driving staff car and jeep and it has not been extended to those persons who are driving heavy vehicle like appellant. As long as order dated 19.10.2011 is not challenged by the appellant to the extent that it amounts to discrimination among the drivers irrespective of driving car/jeep or heavy vehicle. Appellant is not entitled to any benefit out of order dated 19.10.2011 (Annexure A-1). Moreover the appellant has not fulfilled the requisite condition of 24 years of service as a vehicle driver, since from the date of appointment order till 1999, he was discharging the duties of the post of car/jeep driver. From 1999 to 2013, he was discharging the duties of the post of driving heavy vehicle. The other condition is also not fulfilled by him. Therefore, appellant has not made out a case so as to interfere with the orders of the courts below.

2. Accordingly, appeal stands dismissed.

09.03.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**