

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

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**CM-16437-C-2017 &  
CM-16438-C-2017 &  
RSA-6311-2017**

**Date of decision: 06.12.2018**

**DHARAMPAL**

**...PETITIONER**

**VS.**

**STATE OF HARYANA AND ORS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Pankaj Mehta, Advocate,  
for the petitioner.

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**AUGUSTINE GEORGE MASIH, J.(ORAL)**

**CM-16437-C-2017**

Prayer in this application is for condonation of delay of 15 days  
in filing the appeal.

For the reasons mentioned in the application, which is  
supported by the affidavit of the applicant-appellant, the same is allowed.  
Delay of 15 days in filing the appeal stands condoned.

**CM-16438-C-201**

C.M. is allowed subject to just exceptions. Filing of  
typed/certified copies of the judgment and decree as well as grounds of  
appeal is dispensed with.

**RSA-6311-2017**

The appellant-plaintiff had filed a suit seeking declaration to the effect that he is entitled to three advance annual increments on account of his promotion from the post of Field Kanungo to the post of Office Kanungo, from the post of Office Kanungo to the post of Naib Sadar Kanungo and from the post of Naib Sadar Kanungo to the post of Sadar Kanungo as the appellant-plaintiff asserts that during this period, he remained in the same time scale pay whereas on account of promotions to next posts, his duties and responsibilities increased and he was entitled to the said increments.

The claim of the appellant was based upon the provisions of Rule 4.4 of Punjab Civil Services Rules as applicable to the State of Haryana. Both the Courts below i.e. the Civil Judge (Junior Division), Fatehabad vide judgment and decree dated 23.02.2016 and the Additional District Judge, Fatehabad vide judgment and decree dated 16.02.2017, dismissed the suit of the appellant-plaintiff on the ground that he was not entitled to the said claim.

Counsel for the appellant asserts that the judgments passed by the Courts below are not sustainable and the appellant-plaintiff is entitled to the benefit of three advance annual increments, as prayed for by the plaintiff.

I have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the impugned judgments but do not find myself in agreement with the claim of the appellant.

The claim of the appellant is not covered under the provisions

of Rule 4.4 of Punjab Civil Services Rules as applicable to the State of Haryana. The Courts below have rightly appreciated the pleadings and the evidence led by the parties. There is no illegality in the judgments passed by the Courts below which would call for any interference by this Court.

In view of the above, finding no merit in the present appeal, the same stands dismissed.

**(AUGUSTINE GEORGE MAISH)**  
**JUDGE**

**December 06, 2018**

pj

Whether speaking/reasoned:      Yes/No

Whether Reportable:                Yes/No