

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

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Regular Second Appeal No.4065 of 2016 (O&M)
Date of Decision: May 8th, 2019

Hoshiar Singh

...Appellant

Versus

The Managing Director, Haryana State Minor Irrigation and Tubewell
Corporation Ltd., Panchkula

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Munish Mittal, Advocate
for the applicant-appellant.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.10461-C of 2016

Prayer in this application is for exemption from filing the certified copy of the order dated 03.09.2014 and grounds of appeal of learned ADJ as well as true typed copy of order dated 06.05.2015.

Application is allowed subject to just exceptions.

Exemption, as prayed for, is granted.

RSA No.4065 of 2016

Challenge in this appeal is to the judgment and decree dated 03.09.2014 passed by the Civil Judge (Junior Division), Karnal, whereby suit for declaration preferred by the appellant-plaintiff to the effect that he is entitled to the grant of additional increment of 8/18 years with effect from 01.01.1999 along with consequential benefits by including the work-charge period, which he has spent with the department i.e. 13.02.1976 to 12.02.1981, has been dismissed, appeal against which preferred by the appellant has also been dismissed by the Additional District Judge, Karnal, vide judgment dated 06.05.2015.

It is the contention of learned counsel for the appellant that the appellant-plaintiff has worked with the respondents from 13.02.1976 to 12.02.1981 on work-charge basis as a Supervisor, whereafter his services were regularised and he continued in service till his retrenchment on 30.06.2002. His contention is that the said work-charge service has to be taken into consideration for granting him the benefit of additional increment on completion of 8/18 years of service and higher standard pay scale after 10/20 years of service. He contends that the said period of service is required to be taken into consideration in the light of the Haryana Government Notification No.6/16/2001 dated 15.03.2002. Counsel, thus, contends that the judgments and decree as passed by the Courts below cannot sustain and deserve to be set aside.

Learned counsel for the respondent, on the other hand, contends that in the light of the judgment of the Supreme Court in *State of Haryana and others Versus Sita Ram and others 2013 (16) SCC 677*, wherein this very issue has been dealt with and it has been held that the said period has not to be counted for the purpose of grant of benefit of additional increment for 8/18 years of service. The prayer made by the counsel for the appellant cannot be accepted and the appeal deserves to be dismissed.

I have considered the submissions made by learned counsel for the parties and with their assistance, have gone through the impugned judgments as well as the judgment of the Supreme Court in *State of Haryana and others Versus Sita Ram and others'* case (supra).

In the light of the judgment passed by the Supreme Court, wherein it has been held that the benefit of work-charge period although

followed by regular service is not to be counted for the purpose of additional increment for 8/18 years of service, the present appeal cannot be accepted. The judgments and decree as passed by the Courts below, therefore, do not call for any interference by this Court.

The appeal being devoid of merit stands dismissed.

May 8th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No