

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

RSA No.6566 of 2018 (O & M)
Date of Decision:16.1.2020

Raj Kumar Khatri

...Appellant

Versus

Haryana State Agricultural Marketing Board, Panchkula

...Respondent

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Satbir Gill, Advocate
for the appellant

RAJIV NARAIN RAINA, J. (ORAL):

CM-18468-C-2018

For the reasons stated in the application, delay of 58 days in filing the appeal is condoned.

CM stands disposed of.

RSA No.6566 of 2018 (O & M)

1. Challenge in this appeal is to the judgment and decree dated 18.05.2018 passed by the learned Additional District Judge, Panchkula, whereby an appeal preferred by the plaintiff-appellant was dismissed wherein challenge was to the judgment and decree dated 25.3.2015 passed by the learned Additional Civil Judge (Senior Division), Panchkula, whereby the suit preferred by the appellant-plaintiff for declaration to the effect that the appellant-plaintiff is entitled to ante dated promotion to the post of Mandi Supervisor from 11.10.1971 to 1.10.1970 and for promotion from the stages on par with the promotion of immediate juniors, namely, Shri Kali Ram Naidu and Shri Faquir Chand Gupta along with

consequential benefits, was dismissed.

2. The connected RSA No.538 of 2019, filed by the appellant-Jai Parkash Sharma, who is similarly situated to the present appellant but the appeal, was dismissed by this Court on 31.10.2019. He lost the suit. The only difference in both the cases is that Jai Parkash Sharma-appellant in RSA No.538 of 2019 was in service, while the appellant in the present case had retired. The cases of both the appellants are on similar lines. Judicial propriety demands that if the appeal filed by Jai Parkash Sharma stands dismissed, this appeal should also meet the same fate on the same footing as even Jai Parkash Sharma claimed that his juniors, namely, Shri Kali Ram Naidu and Shri Faquir Chand Gupta [the same two persons] were promoted as Mandi Supervisor-cum-Fee Collectors, retrospectively vide order dated 8.5.2003.

3. Learned counsel for the appellant argues that the present appellant retired from service on 30.4.2003 as Executive Officer-cum-Secretary of the Market Committee, Narwana. After his retirement he did not come to know that his juniors, namely, S/Shri Kali Ram Naidu and Faquir Chand Gupta were promoted retrospectively giving rise to his client's claim in the suit.

4. The aforesaid connected appeal has been dismissed on the ground of delay. I find no merit in the argument of the learned counsel for the appellant that there is any difference in this appeal which deserves separate treatment. Accordingly, the present appeal is also dismissed in the same terms.

January 16, 2020

(RAJIV NARAIN RAINA)
JUDGE

neenu

Whether speaking/reasoned

Yes

Whether reportable-

Yes/No