

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2392-2021 (O&M)

Date of Decision: 12.11.2021

Managing Director of Pepsu Road Transport Corporation and another

....Petitioners

VS

Pritam Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)CM-10862-CII-2021

Application is allowed as prayed for and exemption sought for is granted.

CR-2392-2021 (O&M)

A suit was filed by respondent No. 1 for declaration that he is entitled to the benefit of increments and proficiency step up under the ACP scheme at 8 years, 16 years, 24 years and 32 years of service. The same having not been paid an illegality had been committed. Relief of mandatory injunction was also sought directing the defendants to pay the arrears alongwith interest at 12% p.a. The suit was decreed ex-parte vide judgment and decree dated 23.08.2016. Interest was, however, reduced to 6% p.a.

The said judgment and decree was challenged by way of first appeal after a delay of about six months. The appeal has been dismissed on the ground of limitation. It has been found that the officials of the appellant were negligent in the performance of their duties. Despite service, the suit was not properly contested.

The appellant was ultimately proceeded against ex-parte and ex-parte judgment

and decree was passed. No attempt was made to get the ex-parte order set aside. Even appeal was filed after a delay of about six months.

Learned counsel for the petitioners submits that a lenient view needs to be taken considering the impersonal nature of official machinery and public money involved.

The argument can not be accepted keeping in view the facts and circumstances of the case. A detailed order has been passed by the learned appellate Court and all facts have been taken into consideration. No error has been pointed out in the findings returned by it.

Thus, revision petition has no merit and is dismissed.

Since the main case stands decided, pending civil miscellaneous application also stands disposed of.

(SUDHIR MITTAL)
JUDGE

12.11.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No