

In the High Court of Punjab and Haryana, at Chandigarh**Regular Second Appeal No. 1201 of 2018 (O&M)****Date of Decision: 09.11.2023**

Madan Lal Bansal

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Jaspal Singh Maanipur and Ms. Harpreet Kaur, Advocates
for the appellant(s).

Mr. Jaspal Singh Pannu, Assistant Advocate General,
Haryana, for the respondent.

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in ***Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157.***

2. The correctness of the concurrent findings of facts, arrived at by both the Courts below, is assailed by the plaintiff in this regular second appeal.

3. The plaintiff has filed a suit for the grant of decree of declaration with the following relief:-

“i) That the pay of the plaintiff is liable to be refixed by adding ad hoc relief admissible to him on 01.04.1979, to his basic, as has been upheld by the Hon'ble Punjab &

Haryana High Court in CWP No. 6567 of 1990, titled as Prem Chand & Ors. Vs. State of Haryana.

- ii) *His pay needs to be stepped up to higher the same then the pay of Sh. Jagmohan Lal Gupta Steno- Typist, Mechanical Division, Ambala who was junior to him.*
- iii) *He is entitled for 3rd ACP w.e.f. 01.01.2006.*
- iv) *He needs to be granted increment w.e.f. 01.01.2006 as per Govt. of Haryana's instructions circulated by Finance Department vide No. 6/84/2010-4PR (FD), dt. 16.04.2012.*
- v) *His original sale deed, which was mortgaged in favour of Haryana Govt. while taking house building loan, should be returned immediately.*
- vi) *The plaintiff should be paid arrear on account of his above referred claims alongwith 18% interest from due date till the date of actual payment, may in kindly be passed in favour of the plaintiff against the defendants with costs, in view of the above narrated facts, in the interest of justice.*

Any other relief in addition to the above may also be granted to the plaintiff, in the interest of justice."

4. The learned counsel representing the appellant submits that the appellant has already been paid third benefit under the Assured Career Progressions Scheme and the relevant documents have been released. The learned counsel submits that the only dispute which remains is with respect

to adding of *ad hoc* relief admissible to the appellant w.e.f. 01.04.1979. The suit was filed in the year 2012. The appellant retired from service on attaining the age of superannuation on 28.02.2009. He has not led any evidence to prove that his pay was required to be stepped up. The *ad hoc* relief, if any, was due in the year 1979, whereas, the suit was filed in the year 2012. Hence, the suit was filed beyond the period of limitation which is three years from the date the cause of action accrued.

5. The plaintiff cannot claim that the cause of action begin to run on the basis of the judgment passed by the High Court in the cases of various other employees.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

(Anil Kshetarpal)
Judge

November 09, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No