

IN THE HIGH COURT OF PUNJAB AND HARYANA AT 204
204

RSA-2312-1993 (O&M)
Decided on :01.03.2024

STATE OF PUNJAB . . . APPELLANT

Versus

JOGINDER SINGH BEDI . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Rohit Ahuja, DAG, Punjab.

Mr. Sunil Chadha, Senior Advocate with
Ms. Sonia, Advocate for the respondent.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present regular second appeal, the challenge is to the judgment and decree dated 26.08.1992 passed by the lower Appellate Court, by which, the suit filed by the respondent-plaintiff was allowed and a direction was given to allow the respondent-plaintiff to cross the efficiency bar for the payment of higher pay-scale.
2. Learned counsel for the appellant argues that the order stopping of the crossing of the efficiency bar was passed at Chandigarh whereas, same was conveyed to the respondent-plaintiff at Moga and the Civil Suit was filed at Jalandhar.
3. It may be noticed that the lower Appellate Court has already considered the said argument and passed appropriate order. Once, it is a conceded fact that the respondent-plaintiff was posted at Jalandhar at the relevant time and there is regional office of the respondent-plaintiff in

Jalandhar also, the findings recorded by the Lower Appellate Court qua the jurisdiction with the Courts at Jalandhar needs no interference.

4. The another argument which has been raised by the learned counsel for the appellant is that it was only due to the adverse remarks in annual confidential report that the petitioner was not allowed to cross the efficiency bar whereas, the Lower Appellate Court has come to the conclusion that as the original record of the dispatch register qua the serving of the letter informing the said adverse remarks in the Annual Confidential Report to the respondent-plaintiff has not been produced, the photocopy of the dispatch register produced could not have been taken into account by the trial Court so as to uphold the impugned order dated 24.02.1988.

5. Once, the original record of the dispatch register was not produced, rather a photocopy was produced as an evidence, the lower Appellate Court has rightly denied the benefit of the photocopy of the dispatched register in favour of the appellants so as to claim that the respondent-plaintiff was served with the adverse remarks in his Annual Confidential Report.

6. No other arguments are being raised on behalf of the appellant.

7. Even otherwise, it may be noticed that the present regular second appeal was filed in the year 1993 and 33 years have elapsed since then and there is no interim order the order of the lower Appellate Court must have been executed and the respondent-plaintiff must have retired from service by now.

8. Keeping in view the facts mentioned here-in-before, no perversity could be pointed out in the findings of the Lower Appellate Court, hence, no ground is made out for interference in the Regular Second Appeal.

- 9. Dismissed.
- 10. Pending miscellaneous application, if any, shall also stand disposed of.

01.03.2024

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Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No

(HARSIMRAN SINGH SETHI)

JUDGE