





**RSA-236-1993 (O&M) &  
RSA-237-1993 (O&M)        -2-**

view of the continuous service rendered on being promoted to the post of Lower Division Clerk (LDC) starting from the date of initial appointment.

3.            It may be noticed that the respondent-plaintiff was promoted as Lower Division Clerk (LDC) on adhoc basis in his own pay scale on 07.10.1980 and he continued working as such when his services were regularized in the year 1982. The benefit with regard to the fixation of salary was being claimed for the continuous length of service, which was being denied by the respondents.

4.            Learned counsel for the appellant-Board argues that the benefit can only be given from the date of regular appointment and not otherwise.

5.            I have heard learned counsel for the appellant-Board and have gone through the record with his able assistance.

6.            It may be noticed that the present regular second appeal was filed in the year 1993 and 29 years have elapsed and there is no interim order passed by this Court hence, the judgment and decree of the Courts below under challenge must have been executed and respondent-plaintiff must have retired and getting pension as of now.

7.            The only argument which has been raised by the learned counsel for the appellant-Board is that benefit of fixation of salary and other benefits can only be given to the respondent-plaintiff from 1982 and not from 07.10.1980 when respondent-plaintiff was promoted as Lower Division Clerk (LDC) on adhoc basis.

8.            On being asked to show any perversity in the judgment and



**RSA-236-1993 (O&M) &  
RSA-237-1993 (O&M)        -3-**

decree of the Courts below, learned counsel for the appellant has not been able to show the same but he intended to argue the case afresh on the basis of the facts and circumstances so as to convince this Court to arrive at a different conclusion other than the one arrived by the Courts below while accepting the claim of the respondent-plaintiff.

9.            It is a settled principle of law that in the regular second appeal, when there are concurrent findings recorded by the Courts below on the basis of the facts and evidence which had already come on record, only the perversity is to be pointed out and the appellant cannot be allowed to argue the matter again so as to convince the Court to re-appreciate the evidence so as to arrive at a different conclusion other than the one arrived by the Courts below.

10.          Even otherwise, nothing has come on record that when respondent-plaintiff was promoted on adhoc basis as Lower Division Clerk (LDC), he was not eligible to hold the said post or there was no post available. Rather, it has already come on record that at the relevant time, the respondent-plaintiff was fully eligible for promotion to the post of Lower Division Clerk (LDC) and his services were later on regularized. Once, there was no irregularity in the initial adhoc promotion of the respondent-plaintiff, grant of benefit in favour of the respondent-plaintiff from the date of his initial appointment cannot be treated to be bad especially, when the same is not contrary to any settled principle of law or the rules in question.

11.          Keeping in view the above, no ground for interference by this



RSA-236-1993 (O&M) &  
RSA-237-1993 (O&M)        -4-

Court is made out and both the regular second appeals are dismissed.

12.            Civil miscellaneous application pending, if any is also disposed.

Photocopy of this order be placed on the file connected case.

May 17, 2024  
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(HARSIMRAN SINGH SETHI)  
JUDGE

*Whether speaking/reasoned :    Yes/No*  
*Whether reportable :                Yes/No*