

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

RSA-1652-1997 (O&M)
Date of Decision :11.03.2024

Hari Krishan Sharma

...Appellant

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sahil Mehndiratta, Advocate for the appellant-plaintiff.

Ms. Vibha Tiwari, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present regular second appeal, challenge is to judgment and decree of the Courts below by which, the suit filed by the appellant-plaintiff claiming declaration that adverse remarks recorded in the annual confidential report of the appellant-plaintiff for the year 1985-86 are illegal and arbitrary and further prayer of the appellant-plaintiff that he be granted benefit of increment, has been dismissed.

2. A civil suit filed by the appellant-plaintiff was dismissed by the trial Court vide judgment and decree dated 02.06.1992 keeping in view the facts and evidence, which had come on record before the trial Court. Even the appeal, preferred against the said judgment and decree of the trial Court dated 02.06.1992 has been dismissed by the lower Appellate Court vide

judgment and decree dated 18.02.1997 hence, the present regular second appeal.

3. On being asked to point out any perversity in the judgment and decree of the Courts below, learned counsel for the appellant-plaintiff has started arguing the suit again so as to re-appreciate the evidence, which had come on record so as to arrive at a different conclusion than the one already arrived by the Courts below.

4. In the present regular second appeal, only the perversity, if any, in the findings of the Courts below are to be seen and this Court is not to re-appreciate the evidence, which had already come on record during the course of trial so as to record a finding other than the one recorded by the Courts below.

5. Further, challenge in the suit was with regard to the adverse remarks recorded in the annual confidential report of the appellant-plaintiff for the year 1985-86 due to which, appellant-plaintiff was not granted benefit of annual increment in service. The findings have already been recorded by the Courts below that the adverse remarks recorded in the annual confidential report of the appellant-plaintiff for year 1985-86 are valid. Once recording of adverse remarks is in accordance with law, the said finding cannot be upset unless it is shown that the same are perverse to the fact/evidence on record. Learned counsel for the appellant has not been able to point out any fact/evidence to prove the finding of the Courts below to be perverse in any manner.

6. Even with regard to the claim of the appellant-plaintiff for the

grant of annual increment, findings have been recorded that appellant-plaintiff was appointed on consolidated salary of Rs.100/- and there was no such term & condition in the appointment order that he will be entitled for increment on the said consolidated fixed salary.

7. That being the findings recorded by the Courts below and as no perversity has been pointed out by the learned counsel for the appellant-plaintiff in the same hence, the present regular second appeal is dismissed.

8. Civil Miscellaneous application pending, if any, is also disposed of.

March 11, 2024

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No