

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

RSA No. 3144 of 2013 (O&M)

Date of Decision : 01.05.2024

Punjab State Electricity Board and others

...Appellants

Versus

Hari Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Hitesh Pandit, Advocate for the appellants.

Mr. Rajesh Gupta, Advocate for

Mr. M.K. Garg, Advocate for respondent No. 1.

Harsimran Singh Sethi J. (Oral)

1. In the present appeal, the challenge is to the judgments and decrees of the courts below dated 05.11.2011 and dated 11.10.2012 by which the benefit of increment on completion of 23 years of service, has been allowed.

2. Learned counsel for the appellants argues that the judgments and decrees of the courts below are perverse as the employee concerned in the present case, though has not got three promotions as envisaged under the Instructions dated 28.07.2000 so as to claim the special increment as admissible after 23 years of the regular service but he was ineligible to get but the promotion could not be granted to the respondent-plaintiff No. 1 due

to his ineligibility, hence, the benefit of increment on completion of 23 years of service has wrongly been granted by the courts below.

3. The Instructions dated 28.07.2000 have been reproduced by the trial court in paragraph-14 of the judgment, hence, the said Instructions are not being reproduced here.

4. A bare perusal of the Instructions dated 28.07.2000 would show that the criteria envisaged under the Instructions for the grant of special increment on completion of 23 years of service is that employee should not be promoted in his/her service career. There is no condition that the reason for not getting promotion is ineligibility of the respondent-plaintiff No. 1. The appellants are trying to add the word 'Eligibility to get promotion' in the Instructions, which are missing. It is a settled principle of law that interpretation to a Rule/Instructions cannot be done by adding words to it. The Rule/Instructions are to be interpreted as they are upon simple reading of the same and the simple reading of the Instructions dated 28.07.2000 only makes it clear that in case an employee has not got three promotions on 23 years of his/her service, he/she is entitled for the special increment.

5. In the present case, it is a conceded position that the respondent-plaintiff has not got three promotions in his service career so as to become eligible to grant the benefit of special increment.

6. Once, the eligibility to get the promotion is not the part of the Instructions and it is a conceded fact that the respondent-plaintiff No. 1 has not got three promotions in his service career, the findings recorded by the courts below that the claim of the respondent-plaintiff No. 1 is covered by

the Instructions dated 28.07.2000, are not perverse but are in accordance with the Instructions dated 28.07.2000.

7. No other argument is raised.
8. Keeping in view the above, as no perversity in the judgments and decrees of the courts below has been pointed out, no interference is called for by this Court in the present regular second appeal.

9. Dismissed.
- Pending miscellaneous application, if any, also stands disposed of.

May 01, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No