

**RSA-287-2015****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****RSA-287-2015 (O&M)****Date of Decision: 12.08.2025**

Manjit Singh

.....Appellant

vs.

Pepsu Road Transport Corpn. through its Chairman and ors.Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. R.S. Chauhan, Advocate, for the appellant.

Mr. S.S. Khaira, Advocate, for the respondents.

SUDEEPTI SHARMA J.

1. Challenge in the present regular second appeal is to judgment and decree dated 04.12.2013 passed by learned Civil Judge (Jr. Divn.) Patiala, to the extent of relief which was not granted, since the civil suit filed by the appellant was partly decreed. Further, the appeal against the judgment and decree dated 04.12.2013 passed by learned Civil Judge (Jr. Divn.) Patiala was also dismissed by learned District Judge, Patiala, vide its judgment and decree dated 16.09.2014.

2. Brief facts of the case as per civil suit are that the appellant was appointed as Conductor on 18.12.1980. He filed civil suit for his pay fixation and for annual increment. The civil suit filed by him was partly allowed by learned Civil Judge (Jr. Divn.) Patiala, vide its judgment and decree dated 04.12.2013. He challenged the same before learned District Judge, Patiala, who

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dismissed it vide its judgment and decree dated 16.09.2014. Hence the present appeal.

3. Learned counsel for the appellant contends that at this stage, he is not pressing the other grounds and no appeal is filed by the respondents, challenging the judgment and decree dated 04.12.2013 passed by the learned Civil Judge, (Jr. Division), Patiala, therefore, he be granted relief as granted by the learned Civil Judge, Jr. Division, Patiala, which has been upheld by the learned District Judge, Patiala, vide judgment and decree dated 16.09.2014. Learned counsel for the appellant contends that the respondents be directed to comply with the judgment and decree dated 04.12.2013 passed by the learned Civil Judge, (Jr. Division), Patiala. He, therefore prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondents argues on the lines of judgment and decree dated 04.12.2013 passed by the learned Civil Judge, Jr. Division, Patiala and contends that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

6. The appellant in the civil suit filed by him was asking for the benefit of 8/16/24 years of service as per Assured Career Progression Scheme. Admittedly, the appellant was appointed as Conductor on 18.12.1980 and was superannuated as Conductor on 30.09.2012. Further, 08 years proficiency step up was due on 17.12.1988, which was paid to him. The appellant was also given 16 years of Proficiency step up but he was not given proficiency step up after 24 years of service since there were adverse remarks in his ACRs. As per Punjab Government instructions, he did not earn two good annual reports out of last 3



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annual reports to get the benefit of proficiency step up. But the appellant was never communicated regarding adverse remarks in his ACR's.

7. Reference at this stage can be made to judgment of Hon'ble the Supreme Court of India in a case of ***Dev Dutt vs. Union of India and others, 2008 (4) RSJ 130*** wherein it has been held that it is mandatory for the employer to communicate every ACR of every employee where he is in civil, judicial, police or any other service (other than military) so that he can make representation to the competent authority for correction of his ACR.

8. Learned Civil Judge (Jr. Divn.), Patiala has rightly relied upon ***Dev Dutt's case (supra)*** and held that speaking order should be passed by the respondents after conveying ACR's, which the respondents relied to deny the benefit of 24 years of proficiency step up to the appellant.

9. Therefore, I do not find any infirmity in the judgment and decree dated 04.12.2013 passed by learned Civil Judge (Jr. Divn.), Patiala, which is upheld by learned District Judge, Patiala, vide its judgment and decree dated 16.09.2014. Accordingly the present regular second appeal is dismissed.

10. So far as contention of learned counsel for the appellant regarding directions be given to the respondents to comply with the judgment and decree dated 04.12.2013 passed by learned Civil Judge (Jr. Divn.) Patiala is concerned, this Court is not the Executing Court and the appellant has filed the present regular second appeal against the judgment and decree dated 16.09.2014. Though he has not pressed the same by stating that the respondents be directed to implement the judgment and decree dated 04.12.2013 passed by learned Civil Judge (Jr. Divn.), Patiala. For that, the appellant is free to avail remedy as is available to him, in accordance with law.



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11. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

12. Pending application (s) if any also stands disposed of.

August 12, 2025

Gaurav Arora

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes