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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:107023



RSA-2718-2022 (O&M)

Date of decision: 29.07.2025

CHAMAN LAL

..Appellant

Versus

STATE OF HARYANA AND ANOTHER

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ashutosh Kaushik, Advocate
for the appellant (through v.c.).

Mr. Harish Nain, AAG, Haryana.

SUDEEPTI SHARMA, J. (Oral)

1. The present appeal is preferred against judgment and decree dated 07.01.2017, passed by Civil Judge, Junior Division, Kurukshetra, whereby the civil suit filed by the appellant was dismissed and judgment and decree dated 22.08.2022, passed by District Judge, Kurukshetra, whereby, the appeal preferred by the appellant against judgment and decree dated 07.01.2017 was also dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that the appellant joined service of Haryana Roadways on the post of Conductor on regular basis on 14.02.1990 and was promoted to the post of Sub-Inspector on 09.11.2012 vide order dated 25.10.2012. The appellant requested the respondents for grant of first Assured Career Progression (in short 'ACP') scale on 01.03.2000 after completing 10 years service and second ACP scale with effect from

01.03.2010 and third ACP with effect from 01.03.2014, which was denied on the ground that there were adverse remarks in Annual Confidential Report of the appellant for the period pertaining to 1991-1992 and 1992-1993. Therefore, he filed civil suit for declaration to the effect that he is legally and rightfully entitled to get first, second and third ACP scales with effect from 01.03.2000, 01.03.2010 and 01.03.2014, respectively and also to get his pay fixed after granting first ACP scale with effect from 01.03.2000 and thereafter in the revised pay-scale applicable with effect from 01.01.2006, pay in the second ACP scale with effect from 01.03.2010 and third ACP scale with effect from 01.03.2014 after completion of 24 years of regular service and to get entire arrears and other monetary benefits along with interest at the rate of 18% per annum. The civil suit filed by the appellant was dismissed by Civil Judge (Junior Division), Kurukshetra vide judgment dated 07.01.2017. Thereafter, the appellant filed appeal against judgment and decree dated 07.01.2017, which was dismissed by District Judge, Kurukshetra vide its judgment and decree dated 22.08.2022, hence, the present appeal.

SUBMISSIONS OF THE APPELLANT:-

3. Learned counsel for the appellant contends that both the Courts below have wrongly held that adverse remarks recorded in the Annual Confidential Report of the appellant for the period of 1991-1992 and 1992-1993 were never challenged by the appellant.

4. He further contends that both the Courts did not appreciate the evidence on record and dismissed the civil suit as well as appeal filed by the appellant.

5. I have heard learned counsel for the parties and have perused the case file with their able assistance.

6. A perusal of record shows that the appellant joined service on 14.02.1990 and was promoted to the post of Sub-Inspector on 09.11.2012.

7. A perusal of Annual Confidential Report for the year 1991-1992 and 1992-1993 recorded by respondent, which is part of record shows that adverse remarks were recorded in Annual Confidential Report of the appellant and his integrity was mentioned 'doubtful' and in view of instructions passed by Chief Secretary vide letter No.2759-4 GSI-73/12854 dated 21.05.1973, an official is not to be promoted if his honesty and integrity in any of Annual Confidential Report for the preceding 10 years is 'doubtful'. Since, Annual Confidential Report of the appellant for the period 1991-1992 and 1992-1993 contains adverse remarks, therefore, the appellant was to be entitled to first ACP scale only after expiry of period of 10 years of regular satisfactory service i.e. in the year 2003 and therefore, the appellant has rightly been granted first ACP on 01.04.2003 and second ACP on 01.04.2013. So far as the grant of third ACP scale is concerned, the same was to be granted after a period of 24 years as per the instructions dated 04.03.2014. Since it was premature at the time of filing of the suit, no decision was given on that. Learned Civil Judge (Junior Division), Kurukshetra has examined the whole evidence on record and after appreciating the evidence, a well reasoned judgment dated 07.01.2017 was passed.

DECISION

8. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 07.01.2017, passed by Civil Judge, Junior

Division, Kurukshetra and judgment and decree dated 22.08.2022, passed by District Judge, Kurukshetra, which calls for any interference.

9. Hence, the present appeal is hereby dismissed.

July 29th, 2025

Ayub

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No