



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-468-2006 (O&M)

RAJBIR SINGH AND ORS

..Appellants

Vs.

HARYANA POWER CORPORATION LTD. AND ORS.

..Respondents

Reserved on: 30.10.2025
Date of decision: 20.01.2026
Uploaded on: 20.01.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rajesh Arora, Advocate
for the appellants.

Mr. Suvir Kumar, Advocate
for the respondents.

SUDEEPTI SHARMA, J.

1. The present appeal is preferred against judgment and decree dated 24.10.2005 passed by learned Additional District Judge, Panipat, whereby the appeal filed by the respondent was allowed and judgment and decree dated 08.04.2005 passed by learned Civil Judge (Junior Division), Panipat, whereby, the civil suit filed by the appellant was partly decreed, was set aside.

Brief facts of the case:-

2. Brief facts of the case are that the appellants were appointed as regular Fireman after following due procedure of selection in the year 1988 and 1989. However, the pay scale associated with the Fireman was to be



given after successful completion of 3 months training from recognized Fire Service Training Centre. That plaintiffs/appellants approached the authorities for arranging training of the plaintiffs/appellants but the respondent-Corporation failed to arrange the training, which compelled the plaintiffs/appellant to file the Civil Writ Petition No.9185 of 1990 before this Court. This Court disposed of the writ petition and directed the respondent-Corporation on 29.01.1991 to arrange such training. Thereafter plaintiffs/appellants underwent 3 months training in the month of September-October, 1991. After successful completion, the pay scale associated with Fireman was granted w.e.f. 01.01.1992. The plaintiffs/appellants approached the authorities to grant the pay scale of Fireman from the initial date of regular appointment and further to grant ACP after completion of ten years of service from the date of appointment in terms of ACP (Assured Career Progression) Scheme (Ex.P3 & Ex.P4). As corporation granted the 1st ACP counting ten years from 01.01.1992, however, the period of 10 years was required to be counted from the date of regular appointment as mentioned against their names i.e. 22.12.1988/13.01.1989, therefore, plaintiffs/appellants filed civil suit for declaration with consequential relief of mandatory injunction. The Ld. Civil Court partly decreed the suit of the appellants.

3. The Corporation filed appeal before Ld. Additional District Judge, Panipat and the Ld. First Appellate Court reversed judgment and decree passed by Ld. Trial Court vide its judgment and decree dated 24.10.2005. Hence, the present appeal.

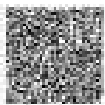
**Submissions of learned counsel for the parties:-**

4. Learned counsel for the appellants contends that learned First Appellate Court failed to appreciate the ACP Rules, which provides counting of 10 years from the date of regular appointment and not from the date of scale granted, therefore, he prays that the present appeal be allowed and the judgment and decree dated 24.10.2005 passed by learned Additional District Judge, Panipat be set aside and judgment and decree dated 08.04.2005 passed by learned Civil Judge (Junior Division), Panipat be affirmed.

5. Per contra, learned counsel for respondents contends that appellants were to be treated as regular after completion of training period, therefore, learned First Appellate Court has rightly allowed the appeal filed by the respondents. Therefore, he prays that the present appeal be dismissed.

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

7. A perusal of the record shows that the appellants initially joined on the post of fireman after their due selection by the competent authority on different dates as mentioned in the civil suit. Subsequently, on completion of three months training as per Rules, the services of appellants were regularized in the year 1992 on different dates. Admittedly, all other benefits claimed by the appellants were released by the respondents and the only dispute in the civil suit was regarding the date from which the appellants were entitled to their first ACP. Further dispute is as to from which date the service of 10 years for grant of 1st ACP is to be counted i.e. whether from the date of initial appointment as fireman i.e. from 1988/89 as claimed by the appellants or from the date when the services of appellants were regularized



after fulfilling the essential qualifications and conditions as mentioned in the appointment letter of the appellants i.e. 01.01.1992.

8. Before proceeding further, it would be apposite to reproduce the condition of appointment letter of the appellants to the post of fireman and relevant provisions relating to services of the appellants:-

“The regular pay scale of Fireman of Rs.1200/2400 plus usual allowances will be allowed on successful completion of three months training from any recognized Fire Service Training Centre/decision of the competent authority.

X X X X X ”

“19. The relevant provision relating to service of plaintiffs are as under:-

"Definitions- In this scheme, unless the context otherwise requires:-

(c) "Existing Scale" in relation to any post or any Board employee means the functional pay scale as on 31st December, 1995 prescribed for the post on which such Board employee was recruited as direct recruited fresh entrant.

(d) "Functional Pay Scale" in relation to a Board employee means the pay scale which is prescribed for the post held by the Board employee as on 31.12.95. It does not mean any other pay scale in which the Board employee is drawing his pay as a personal measure to him with any other justification like on length of service or on higher additional qualification or on upgradation of pay scale due to any other reason

x x x x x



5. Eligibility for Grant of ACP Scales:

(1) Every Board employee who after regular satisfactory service for a minimum period of 10 years, has not got any financial upgradation in terms of grant of a pay scale higher than the functional pay scale prescribed for the post as on 31.12.1995, on which he was recruited as direct recruited fresh entrant:-

x x x x x

Note: For the purposes of this scheme

'regular satisfactory service' would mean continuous service counting towards seniority under HSEB including continuous service in PSEB before re-organisation, commencing from the date on which the Board employee joined his service after being recruited through the prescribed procedure or rules/regulations etc. for regular recruitment, in the cadre in which he is working at the time of being considered his eligibility for grant of ACP scales under this scheme and further fulfilling all the requirements prescribed for determining the suitability of grant of ACP scales. The period spent on ad hoc basis, work charged basis, contingent basis and daily wages will not be counted for the purpose of counting of prescribed length of Regular satisfactory service for this scheme."

9. A bare reading of above referred to condition in the appointment letter shows that the regular pay scale of fireman was to be allowed on successful completion of three months training from any recognized Fire Service Training Centre. And eligibility for grant of ACP scales as per above referred to rules applicable to the appellants shows that every Board employee, who after regular satisfactory service for a minimum period of 10 years, has not got any financial upgradation in terms of grant of pay scale



higher than the functional pay scale prescribed for the post as on 31.12.1995 shall be eligible for grant of ACP scale. Further, regular satisfactory service is explained, in a note, which would mean continuous service counting towards seniority under HSEB including continuous service in PSEB before re-organization, commencing from the date on which the Board employee joined his service after being recruited. Therefore, for grant of ACP, minimum of 10 years of regular service is the requirement. In the present case, admittedly, the appellants did not get any financial upgradation in terms of grant of pay scale higher than the functional pay scale prescribed for the post of fireman as on 31.12.1995. So far as the eligibility is concerned, that was also not disputed since the appellants were eligible. The only dispute was as to from which date the minimum period of 10 years of regular satisfactory service is to be counted. As per Rule 5 referred to above, which is eligibility for grant of ACP scale, continuous regular satisfactory service from the date of initial joining after regular appointment is to be seen. As per the appointment letter, regular scale was to be granted from the date of successful completion of three months training.

10. A perusal of the file further shows that three months training was to be arranged by the respondents, which was done after the filing of the writ petition before this Court by the appellants. Thereafter, since the writ petition was disposed of with direction to the respondents to make arrangement of training within a period of two years, the training was arranged and the appellants got cleared the training successfully. It is in these circumstances that there was a delay in obtaining/completion of the training



by the appellants, therefore, for the lapse of the respondents, the appellants should not suffer.

11. Learned Additional District Judge, Panipat, failed to appreciate that the appellants could not fulfill the condition of appointment letter since the training was to be arranged by the respondents only, which they arranged after the filing of the writ petition by the appellants and the directions issued by this Court. Therefore, the findings given by learned Additional District Judge, Panipat vide judgment and decree dated 24.10.2005 are liable to be set aside. Accordingly, judgment and decree dated 24.10.2005 passed by learned Additional District Judge, Panipat is hereby set aside and judgment and decree dated 08.04.2005 passed by learned Civil Judge (Junior Division), Panipat is hereby affirmed.

12. Consequently, the present regular second appeal is **allowed**. Parties are left to bear their own costs.

13. Decree sheet be drawn.

14. Pending application(s), if any, also stand disposed of.

20.01.2026

Ayub/Saahil

(SUDEEPTI SHARMA)
JUDGE

Whether Speaking : Yes/No
Whether Reportable : Yes/No