



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-2600-2022 (O&M)

Date of Reserve:- 15.09.2025

Date of Pronouncement:-29.09.2025

Ragbir Singh

.....Appellant

vs.

State of Haryana & ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. P.K. Rapria, Advocate
for the appellant.

Mr. Harish Nain, AAG, Haryana

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 23.07.2019 passed by learned Civil Judge (Junior Division), Rohtak whereby the civil suit filed by the appellant was dismissed and judgment and decree dated 05.08.2022 whereby the appeal filed by the appellant against the judgment and decree dated 23.07.2019, was also dismissed by learned Additional District and Sessions Judge, Rohtak.

FACTS NOT IN DISPUTE

2. Brief facts of the case as per civil suit are that the appellant retired from Govt. High School, Sunderpura on 31.03.2006 as Headmaster and remained in service on the post of Social Study Master on temporary basis in the scale of Rs 220-400. He was appointed as SS Master on regular basis on 07.07.1973. He joined at GPS Zadpur Block Jhajjar and his pay was fixed @ Rs. 228/- and on his regular appointment, by counting previous temporary service, same was fixed at



Rs.236 and further to Rs.244 on 28.09.1974. Government of Haryana issued circular dated 27.11.2006 vide which pay of General Category employees was fixed at par with juniors of reserve category on the basis of order of Hon'ble the Supreme Court of India. The appellant belongs to General category and was appointed on regular basis on 09.03.1973 and stood at seniority No. 4577 as on 01.01.1979, whereas Prem Singh stood at seniority No. 6043 as on 01.01.1979. The appellant was drawing one increment higher than Prem Singh at the time of regular appointment of Prem Singh. Prem Singh was promoted to the post of Headmaster on 04.08.1988 due to Accelerated Seniority/Accelerated Promotion Scheme of Government vide which reserved category employees superseded even senior employees of General Category. The pay of Prem Singh was fixed on his promotion in the scale of Rs.2000-3500, whereas, appellant was drawing pay in the scale of Rs.1400-2600. The appellant was promoted to the post of Headmaster on 22.06.2004 in the grade of Rs. 7500-12000 and his pay was fixed as Rs. 10000/- per month. This Court vide order dated 18.11.2008 held that the General Category employees are entitled to step up in their scale of pay on the date of their promotion to the next higher post at par with their juniors who were promoted earlier. The position was further clarified vide notification dated 05.03.2009 and it was also decided by the Government that the official/officer will be entitled to the benefit of pay and allowances from the date of their juniors belonging to reserved categories were promoted and actual benefit of arrear of pay will be admissible to them from the date of actual promotion in their respective cadre. Accordingly, the appellant was entitled to the benefit of stepping up of pay at par with his junior counter parts of reserved category employees in accordance with notification dated 18.12.2013. Both the employees were initially appointed in same cadre in the scale of Rs.220-400 and Prem Singh was much junior to the



appellant and the appellant had been drawing higher pay than Prem Singh for more than 15 years of services. However, Prem Singh superseded in the pay scale due to accelerated promotion on the post of Headmaster. The appellant retired on 31.03.2006 with his last drawn basic pay of Rs.24,470/- per month, whereas, his drawn pay was likely to be more than Rs.26,000/-approximately. Therefore, he filed civil suit for declaration along with consequential relief of mandatory injunction by claiming that he was entitled to notional promotion as Head Master w.e.f 04.08.1988/23.08.1988 and pay fixation at par with his junior Prem Singh in the scale of Rs.2000-3500 as on 04.08.1988/23.08.1988 i.e the date of promotion of his junior of reserve category along with consequential benefits of revised fixation and arrears @18% per annum on withheld amount/delayed payments of pay and pension, commutation of pension, gratuity, leave encashment etc. The civil suit filed by the appellant was partly decreed on the ground that for the recovery of arrears and interest after pay fixation and consequential benefits, the period of limitation for recovery of benefit is 03 years in Limitation Act. Therefore, the appellant was held entitled for recovery of arrears and interest for 03 years from the date of filing of the suit i.e 03.07.2018 till the passing of the decree @9% per annum and further interest @6% per annum from the date of passing of the decree till the actual realization, vide judgment and decree dated 23.07.2019 passed by learned Civil Judge (Junior Division), Rohtak.

3. Thereafter, State of Haryana as well as appellant filed appeal against judgment and decree dated 23.07.2019 passed by learned Civil Judge (Junior Division), Rohtak before learned Additional District and Sessions Judge, Rohtak. The appeal filed by the appellant was dismissed and the appeal filed by the State was allowed. Hence the present regular second appeal.



SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

4. Learned counsel for the appellant contends that the appeal filed by the appellant has wrongly been dismissed by learned Additional District and Sessions Judge, Rohtak and the appeal filed by the State has wrongly been allowed. He, therefore, prays that the present appeal be allowed.

5. Learned counsel for the appellant relies upon judgments in case of *Union of India and others vs. Tarsem Singh, 2008 (8) SCC 648, Balwant Raj vs. UHBVNL, passed in CWP No. 4166-2016, decided on 20.09.2022 and Naseem Ahmad vs. Ministry of Defence, 2021 (1) High Court Cases (Del) 413.*

6. Per contra, learned counsel for the respondent-State contends that the appeal filed by the State has rightly been allowed by learned Additional District and Sessions Judge, Rohtak. He, therefore, prays that the present appeal be dismissed.

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

ANALYSIS OF THE RECORD

8. It is admitted fact that the appellant was appointed as Social Study Master on 24.02.1971 and his services were regularized on 07.07.1973. He was promoted to the post of Head Master on 22.06.2004 and retired on 31.03.2006 on attaining the age of superannuation. The claim of the appellant in the civil suit was that one Prem Singh who was junior to him was appointed on 03.10.1972 as Social Study Master on 6 months basis and his services were regularized on 01.01.1980. He was promoted as Head Master on 04.08.1988, as per Haryana Government Policy under the reserve category. Prem Singh retired on 30.06.2006. The claim of the appellant in the suit was that as per Haryana Government Policy, he was entitled to notional promotion as Head Master w.e.f.



04.08.1988/23.08.1988 and he would be deemed to be promoted and would be entitled to pay fixation at par with his junior Prem Singh in the pay scale of Rs.2000-3500 as on 04.08.1988/23.08.1988 and that he was also entitled to consequential arrears along with interest w.e.f. 04.08.1988/23.08.1988.

9. Admittedly, Prem Singh was junior to the appellant and he was promoted as Head Master w.e.f 04.08.1988 under reserve category. The appellant was promoted as Head Master on 22.06.2004. The first cause of action accrued to the appellant on 04.08.1988 when Prem Singh who was junior to him, was promoted to the post of Head Master. The appellant was promoted on 22.06.2004 and retired on 31.03.2006. He filed civil suit on 02.07.2018 seeking relief of declaration to the effect that he was entitled to notional promotion as Head Master w.e.f 23.08.1988 and pay fixation at par with his junior Prem Singh. The cause of action accrued in the year 2004 when he was promoted whereas he filed civil suit in the year 2018 i.e after 14 years, whereas as per Limitation Act, the suit was required to be filed within 03 years from the date when the right first accrued. The cause of action in the present case accrued to the appellant before his retirement i.e before 31.03.2006. Therefore, the civil suit filed by him was clearly time barred.

10. The judgments referred to above cited by learned counsel for the appellant relates to issue of pensionary benefits wherein the Courts held that cause of pensionary benefit is recurring cause therefore there cannot be any delay.

11. In the present case, the appellant filed a suit for stepping up of his pay/scale of pay on his deemed date of promotion at par with his junior counter par junior of reserve category. He is seeking pay fixation at par with his junior, therefore, the facts of the present case are distinguishable to the judgments referred to by learned counsel for the appellant.

**CONCLUSION**

12. In view of the above, I do not find any infirmity in judgment and decree dated 23.07.2019 passed by learned Civil Judge (Junior Division), Rohtak as well as judgment and decree dated 05.08.2022 passed by Additional District and Sessions Judge, Rohtak and the same are upheld.

13. Accordingly, the present regular second appeal is **dismissed**.

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

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

29.09.2025
Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes