



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-808-2018 (O&M)

Date of Reserve:- 02.09.2025

Date of Pronouncement:-31.10.2025

Tripta Kumari

.....Appellant

vs.

State of Punjab & ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Karanbir Singh, Advocate
for the appellant.

Mr. Ravneet Singh Joshi, Addl.A.G, Punjab

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 12.03.2013 passed by learned Civil Judge (Junior Division), Amritsar, whereby the civil suit filed for declaration to the effect that the appellant is entitled to be placed in the seniority list prepared on 25.11.1980 vide number 12272-310/2 N.G-II/26/69 (80) at Sr No. 111 and to grant senior scale, junior assistant scale and other promotional scale and proficiency step up increments/ACP Scheme increments according to length of service from the date, the juniors to the appellant has been granted, was **dismissed** and judgment and decree dated 06.09.2017 whereby the appeal filed by the appellant against the judgment and decree dated 12.03.2013, was also dismissed by learned District Judge, Amritsar.

**FACTS NOT IN DISPUTE**

2. Brief facts of the case as per civil suit are that the appellant was appointed as Clerk on 15.2.1972 on Ad hoc basis in Irrigation Department through Selection Committee and was posted under Executive Engineer, Majitha Division, U.B.D.C. Amritsar and services of the appellant was regularized w.e.f 15.2.1972 vide order dated 12.9.1994 and the period of breaks was regularized treating as earned leave of 26 days for notional breaks vide order dated 6.2.1995. The respondents granted Senior Scale of 510-800 w.e.f. 1.3. 1982 vide Chief Engineer (Design) Punjab, Chandigarh's order dated 18.10.1989 and after that the appellant was not granted the scale of Junior Assistant Clerk which was granted to other similarly situated persons. The juniors to the appellant were granted Junior Assistant Scale and the appellant who was senior was not granted the same. Thereafter, seniority list was prepared on 25.11.1980 but the name of the appellant was not entered in the seniority list. The appellant was not granted proficiency step up increment from 01.01.1986 for 08 years from 01.01.1990 for 18 years and from 01.01.1996, 24 years and 32 years ACP. Thereafter, the appellant filed civil suit, which was dismissed vide judgment and decree dated 12.03.2013 by learned Civil Judge (Junior Division), Amritsar. Thereafter, she filed appeal against judgment and decree dated 12.03.2013 and the same was also dismissed, vide judgment and decree dated 06.09.2017 passed by learned District Judge, Amritsar. Hence the present regular second appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant contends that both the Courts did not appreciate the fact and evidence on record while dismissing the civil suit filed by the appellant as well as appeal filed by the appellant. He, therefore, prays that the present appeal be allowed.



4. Per contra, learned counsel for the respondent-State contends that both the Courts have rightly dismissed the suit as well as appeal filed by the appellant. He, therefore, prays 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.

8. A perusal of the record shows that the appellant joined the Irrigation Department as a Clerk on 15.2.1972 on ad hoc basis. As per order Ex. P1 dated 9.9.1994, the services of the appellant were regularized w.e.f 15.2.1972. A perusal of Ex. P2 shows that the notional break of 26 days in the service of the appellant was also regularized by the department vide order dated 6.2.1995. A perusal of Ex.D3 shows that order Ex.P1 dated 9.9.1994 was withdrawn by the department on 14.7.1995. Further as per Ex.D1, the services of appellant were regularised w.e.f 1.10.1980 vide order dated 30.1.1981. As per Ex.D5, the appellant was granted senior scale w.e.f 1.3.1982 vide order dated 18.10.1989. Further as per the instructions issued by the Punjab Government in 1971, passing of examination of Punjabi language upto the level of matriculation was made compulsory for Government job. The appellant passed the Punjabi language examination of matriculation level on 27.07.1986. A perusal of Ex.D4 shows that at the time of joining the post of Clerk in 1972, the appellant was not fulfilling the qualification for the said post. This fact is admitted by the appellant in her cross examination. Therefore, admittedly she was not eligible for further promotion from the post of Clerk till 27.07.1986 when she passed examination of Punjabi language. Rather appellant was not found eligible for the post of Clerk till 27.07.1986.

6. A perusal of the record further shows that Harbhajan Singh joined the department on ad hoc basis on 13.12.1976, while Raj Kumari joined the department on 11.11.1977 and their services were regularized from the date of



their joining. There is nothing on the record to prove that Harbhajan Singh and Raj Kumari were not having requisite qualification when they joined the job of Clerk on ad hoc basis in the department. Therefore, the appellant cannot claim promotion to the post of the Junior Assistant and other consequential benefits just on the ground that Harbhajan Singh and Raj Kumari were promoted as Junior Assistants w.e.f 1.1.1987 and 1.1.1988. As per order dated 30.3.1995 (Ex.P5), Harbhajan Singh was promoted as a Junior Assistant w.e.f 1.1.1987, whereas Raj Kumari was promoted as Junior Assistant w.e.f 1.1.1988. further without impleading Harbhajan Singh and Raj Kumari who were alleged to be junior to the appellant, the appellant sought declaration to the effect that she is entitled to be placed at Sr. No. 111 in the seniority list and for grant of senior scale and Jr. Scale and other proficiency step up increments.

7. In view of the above, I do not find any infirmity in judgment and decree dated 12.03.2013 passed by learned Civil Judge (Junior Division), Amritsar as well as judgment and decree dated 06.09.2017 passed by District Judge, Amritsar and the same are upheld.

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

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

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

31.10.2025
Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes