

The brief facts of the case are that the plaintiff had filed a suit for declaration to the effect that he is entitled to regularization of service with effect from 20.3.1989, the date on which his juniors

RSA No. 5004 of 2010 (O/M)

-2-

were regularized in service. He had also challenged the order dated 28.4.1997, vide which the date of regularization of service of plaintiff was changed from 4.5.1990 to 25.1.1991. The plaintiff claims that he is entitled to be promoted as Assistant Research Officer with effect from 4.5.1992 alongwith consequential benefit of arrears of pay and arrears on account of promotion as Assistant Research Officer from 6.1.1995 to 26.6.1996.

The lower Court after considering the facts and circumstances, decreed the suit of the plaintiff to the effect that the services of plaintiff/appellant are to be regularized as Statistical Assistant with effect from 20.3.1989 and regularization of service as Assistant Research Officer from 28.10.1997 and that he is entitled to arrears of pay as Assistant Research Officer with effect from 6.1.1995 to 26.6.1996. 9% per annum interest was also allowed on the arrears of pay.

Aggrieved by the said judgment, the State of Haryana went in appeal. The appeal was dismissed with the modification that the plaintiff is entitled to regularization of service as Statistical Assistant with effect from 20.3.1989 and as Assistant Research Officer with effect from 1.10.1999 instead of 28.10.1997 and that he is entitled to arrears of pay as Assistant Research Officer with effect from 6.1.1995 to 26.6.2006 with all consequential benefits alongwith interest at the rate of 9% per annum from due date till realization.

RSA No. 5004 of 2010 (O/M)

-3-

I have heard the learned counsel for the parties and have also carefully gone through the file.

The learned counsel for the State of Haryana has relied upon the authority of the Hon'ble Supreme Court in Ajit Singh Januja Versus State of Punjab, 1996 AIR (SC) 1189. The perusal of the said authority shows that this authority pertains to reservation whereas in the present case, the question involved was as to from which date the services of the plaintiff are to be regularized on a particular post. Both the Courts below have considered the fact that the plaintiff was senior to some persons whose services were regularized prior to him. He was senior to Ishwar Dayal and Puran Chand as Head Assistant as per the seniority list prepared by S.S. Board, Haryana. Accordingly, the finding of the lower Court was modified by the appellate Court.

After going through the the judgments of both the Courts below, I am of the view after going through the records that the findings of facts have been recorded by both the Courts below and no question of law much less the substantial question of law is involved. Hence, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

1.9.2015
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