

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1799 of 2015

Date of Decision.24.12.2015

Rattan Singh

.....Appellant

Vs.

Punjab State and others

.....Respondents

Present: Mr. Sachin Sharma, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The appeal is filed by the plaintiff who complained that there was a discrimination practised in the establishment when the defendant who had been co-accused with him was regularized and continued in service while the plaintiff had not been so regularized. The parity pleaded by the plaintiff was not available to the plaintiff only because on the date when the case was registered on 30.06.2000 he was arrested and the plaintiff's case was still standing consideration for regularization and he had not been regularized. He was an ad hoc employee. As far as yet another person was concerned who was co-accused, he had not been arrested nor did he lose his job. The plaintiff had been arrested pursuant to the FIR and he was removed from service on 25.08.2000. A person who continued in the job although accused, was in the course of time regularized and he did not suffer. On the other hand, the plaintiff, who had been removed from service and who

had the benefit of acquittal, would not secure a reinstatement only because he had not been regular employee and there was no right of regularization at that time. The plaintiff cannot bring a parity with the person who had not been similarly placed. If the other co-accused had not been arrested or detained and his service had not been removed and he had also been regularized, the plaintiff cannot secure a benefit of what had applied to a co-accused. Parity that we must see is not that both of them were accused in a criminal case. The parity must be with reference to terms of service and the benefit which one employee obtained by the fact of continuance in service and the regularization that he obtained, the benefits which the plaintiff did not have.

2. The suit was correctly dismissed and there is no scope for interference in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

December 24, 2015
Pankaj*