

RSA No.1941 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

RSA No.1941 of 2015

**Date of Decision: September 01, 2015**

Prabhu Dayal

...Appellant

Versus

The State of Haryana & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. R.S. Sangwan, Advocate  
for the appellant.

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**AUGUSTINE GEORGE MASIH, J. (Oral):**

Challenge in this appeal is to the judgments and decree passed by the Courts below vide which the suit for declaration and mandatory injunction preferred by the appellant-plaintiff stand dismissed.

Appellant-plaintiff filed a suit for declaration that he is entitled to the earned wages for the period of strike and for appointment to post of Safai Karamchari in parity with those who had worked during the period of strike and were subsequently adjusted with effect from the date when those similar situated employees were absorbed/adjusted. The Courts below have, on the basis of the evidence produced, come to the conclusion that the appellant-plaintiff has not been able to prove by way of any cogent/documentary evidence that he had, in pursuance to

the orders dated 05.01.1997 and 09.01.1997, joined the service. Except for the appointment letters issued to him, there is nothing on record which would show that he had actually worked on the said post after joining the post. If the assertion of the appellant-plaintiff is to be accepted that he had joined service, it is hard to believe that he survived without wages for these years and had not agitated his claim rather, has been sleeping over the matter since the year 1997. The explanation put forth is that he has been representing to the authorities but that would not be a good ground as per the judgment passed by the Supreme Court. Further, no details of these representations have been given.

In any case, the claim of the appellant is based upon the Haryana Government instructions dated 13.05.1997 and 21.04.2001. He, for the first time, approached this Court by filing CWP No.1216 of 2007 which was decided on 25.01.2007, whereby, direction was issued to the Deputy Commissioner, Bhiwani, to consider the representation of the appellant-plaintiff. In pursuance thereto, the Deputy Commissioner passed the order dated 02.05.2007, according to which, it was found that he was not entitled to the benefit as per the Instructions as he has not joined/worked during the period of strike i.e. 16.12.1996 to 14.03.1997.

Both the Courts below have returned concurrent findings after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

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No substantial question of law is involved in the present appeal which requires consideration of this Court. Therefore, finding no merit in the present appeal, the same stands dismissed.

**September 01, 2015**  
*Harish*

**( AUGUSTINE GEORGE MASIH )**  
**JUDGE**