

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

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**RSA No. 804 of 1991 (O&M)
Date of decision: 29.08.2016**

The Secretary to Government of Haryana and others

....Appellants

Versus

Siri Chand

.... Respondent

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Anil Mehta, DAG, Haryana.

Ms. Nupur Malik, Advocate for the respondent.

P.B. Bajanthri, J. (Oral)

In the present appeal, appellants have questioned the validity of the trial Court order dated 17.12.1989.

The respondent was appointed as a Beldar on work-charge basis in the month of December, 1982 and his services were terminated orally on 31.10.1985. Respondent filed a suit for declaration before the trial Court. The trial court decreed the suit directing the appellants to reinstate the respondent. The appellants feeling aggrieved by the order of the trial Court dated 17.02.1989 preferred appeal before the appellate court whereas, the appellate court confirmed the order of the trial Court on 17.12.1990. Hence the present RSA.

Learned counsel for the appellants submitted that respondent was appointed as a Beldar on work-charge basis. He was not appointed against any sanctioned post so as to seek for reinstatement and regularization. Hardly the workman has worked for 2 years and 10 months. Therefore, trial court erred in directing the appellants to reinstate the workman. Daily wagger or work-charge employee is not entitled for reinstatement as well as regularization. On this issue learned counsel for the appellants relied on two decisions of the Apex Court which are reported in 2010(4) SCC 179 titled as ***Satya Prakash and others versus State of Bihar and others*** and 2014(7) SCC 190 titled as ***Hari Nandan Prasad and another versus Employer I/R to Management of Food Corporation of India and another***.

On the other hand, learned counsel for the respondent submitted that respondent-workman has rendered 2 years and 10 months of service and termination is oral and not even a notice has been given. It was further contended that workman was working against sanctioned post even though title of the appointment that he was worked as a Beldar as a work-charge employee.

Heard learned counsel for the parties.

Short question for consideration is whether the workman was appointed against sanctioned post or not and further at this distance of time is he entitled for reinstatement or not? Perusal of the Supreme Court decisions cited supra the workman-respondent has not produced any material to show that he was working against sanctioned post. Therefore, question of

reinstatement and regularization would not arise. In so far as length of service rendered by the workman is only 2 years and 10 months. Therefore, suffice for payment of compensation for the reasons that workman's service was terminated orally on 31.10.1985 after rendering 2 years and 10 months of service as a Beldar.

Order of the trial court dated 17.02.1989 as well as order of appellate court dated 17.12.1990 are set aside. Order of termination is upheld.

The appellants are directed to pay compensation of Rs.2 lacs within a period of 4 months failing which the respondent is entitled to interest @ 9% per annum, in view of the principle laid down in the case of ***BSNL versus Maan Singh*** reported in 2012(1) SCC558.

Appeal stands allowed.

29.08.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No