

2023:PHHC:138717

**106-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.RSA-1900-1992 (O&M)

The State of Punjab and others

....Appellants

Versus

Ishar Dass

..Respondent

2.RSA-1908-1992 (O&M)

The State of Punjab and others

....Appellants

Versus

Pardhan Singh

..Respondent

Date of decision: 30.10.2023

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. By this order, two connected Regular Second Appeals
i.e RSA-1900-1992 and 1908-1992 shall stand disposed of.
2. In the morning session, Sh. Hari Om Sharma,
Advocate, entered appearance for the respondent, however, at his
request, the case was passed over. In the post lunch session, he has
not come forward to assist the Court.
3. These two connected appeals have come up for final
disposal after a period of 31 years. As per the office report,
Sh.R.P.Garg, learned counsel representing the respondent has been

informed for appearing in the court on 22.09.2023 as well as on 18.10.2023.

4. In both the cases, the plaintiffs pray for grant of decree of declaration that their services are entitled to be regularized from the date they were appointed on the daily wage basis. While decreeing the suits, the courts have relied upon the decision rendered by the Division Bench of this High Court in **‘Piara Singh vs. State of Haryana’ 1989 (1) PLR 396** which admittedly has been specifically overruled by the Supreme Court in **‘State of Haryana vs. Piara Singh’ (1992) 4 SCC 118.**

5. In both the cases, the services of the respondents have been regularized from 26.10.1982. However, the courts have held that since the plaintiffs in both the suits have completed 240 days of continuous service, therefore, they are entitled to be regularized from the date of the initial appointment. The courts below have allowed the suit only on the basis of the judgment passed by the Division Bench which stands overruled.

6. The services of the respondent have already been regularized.

7. Keeping in view the aforesaid facts, the judgments passed by the courts below in both the suits are reversed in view of the judgment passed by the Supreme Court in **‘State of Haryana vs. Piara Singh’ (1992) 4 SCC 118.** It may be noted here that the

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and other connected case**

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plaintiffs in both the suits claim that services of their juniors have been regularized from the date of their initial appointment, however, they have failed to establish that fact. Hence, both the appeals are allowed. The judgment and decree passed by both the courts below are set aside.

All the pending miscellaneous applications, if any, are also disposed of.

30.10.2023

rekha

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No