

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

RSA-2088-1992(O&M)
Date of Order:18.10.2023

State of Haryana

.Appellant

Versus

Ram Deen

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Vibha Tewari, AAG, Haryana

Mr. R.K.Hooda, Advocate,
for the respondent.ANIL KSHETARPAL, J

1. In this appeal, the correctness of the concurrent findings of fact arrived at by the courts below is challenged by the State of Haryana (defendant in the suit).

2. A perusal of the paper book reveals that the plaintiff was appointed by the General Manager, Haryana Roadways as a helper on a daily wage basis on 11.05.1987. After having worked for more than 240 days, his services were discontinued on 08.01.1988. He filed a suit for grant of decree of declaration that his service has been wrongly discontinued and he was entitled to regularization in service because he has completed 240 days of continuous service as required for regularization.

3. The trial court relied upon the judgment passed in Piara Singh vs. The State of Haryana and others, 1989 (1) RSJ, 465, to decree the suit

4. The first appeal filed by the State of Haryana was also

dismissed by the Additional District Judge vide judgment dated 06.05.1992.

5. It is evident that on 24.11.1992, the appeal was admitted for hearing and notice regarding stay was issued.

6. The learned counsel representing the State of Haryana admits that pursuant to the orders passed by the courts below, the respondent (plaintiff) was reinstated in service and his services were subsequently regularised. He has also been promoted on two different occasions and now he is working as the Chief Head Electrician at Narnaul Depot, Haryana Roadways.

7. In view of the fact that the Supreme Court in *State of Haryana vs. Piara Singh, 1992 AIR (SC) 2130* has reversed the judgment passed by this Court, the judgments and decrees passed by the courts below are not sustainable. However, on a Court question, the learned counsel representing the State of Haryana, on instructions from Sh. Anil Kumar, Clerk, Legal Cell, Haryana Roadways, Rewari, admits that the respondent's services were regularised and he has continued in service since then.

8. Now more than three decades have passed. The respondent is stated to be on the verge of superannuation. Though, the judgment passed by the High Court in *Piara Singh's case (supra)* has been reversed, however, the services of the respondent has been regularised and thereafter, he has been promoted on two different occasions. There is also no complaint with regard to his work and conduct throughout this period. He has gained sufficient experience.

9. Keeping in view the aforesaid facts and discussion, no further order is required to be passed.

10. With these observations, the appeal is disposed of.

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

October 18, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO