

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

**(112)**

**CM-2000-C-2023 in/and  
RSA-370-1999**

**Date of Decision : March 13, 2023**

**Dharam Pal**

**.. Appellant**

**Versus**

**The Haryana Tourism Corpn. Chandigarh**

**.. Respondent**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. N.C. Kinra, Advocate, for the applicant-appellant.

**HARSIMRAN SINGH SETHI J. (ORAL)**

**CM-2000-C-2023**

Present application has been filed for early hearing of the main appeal i.e. RSA no.370 of 1999.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and the main appeal i.e. RSA No.370 of 1999 is taken up for hearing today itself.

**RSA-370-1999**

In the present Regular Second Appeal, the challenge is to the judgment and decree of the trial Court dated 07.10.1997 by which, the suit filed by the appellant-plaintiff seeking regularization of his services as an Electrician and also for the grant of pay scale of Rs.950-1500/- from the

date of his regularization, was dismissed as well as the against the judgment and decree of the lower Appellate Court dated 25.07.1998 by which, the appeal preferred by the appellant-plaintiff was also dismissed.

The appellant-plaintiff claimed that he was appointed as an Electrician on daily wage basis on 01.08.1983 whereas, his services were regularized as Helper Electrician vide order dated 29.06.1988 in the pay scale of Rs.750-940/- whereas his services should have been regularized as Electrician in the pay scale of Rs.950-1500/-. The said suit was filed by the appellant-plaintiff in February 1992 despite accepting the offer of the respondent-Department of regularizing his services as Electrician Helper after which acceptance of the offer, vide order dated 29.06.1988, the services of the appellant-plaintiff were regularized as Electrician Helper.

The trial Court keeping in view the evidence which had come on record, held that once the services of the appellant-plaintiff have been regularized as Electrician Helper and the pay scale of the said post is being given to the appellant-plaintiff, no grievance can be raised by the appellant-plaintiff. With regard to the claim for regularization on the post of Electrician, the trial Court, on the basis of the evidence which had come on record held that no document has come on record that the appellant-plaintiff was working as an Electrician, hence, his grievance that his services have been regularized on a lower post, is not made out keeping in view the evidence on record.

With regard to the prayer of the appellant that some similarly situated employees have been given higher pay scale of Rs.950-1500/-, the trial Court recorded the findings that the names which were brought on

record by the appellant-plaintiff namely Satbir Singh and Parmal, they were appointed as an Electrician on daily wage basis and both the employees were regularized as such, hence, the claim of the appellant-plaintiff that he was similarly situated as those employees is not made out and the suit filed by the appellant-plaintiff was dismissed by the trial Court vide judgment and decree dated 07.10.1997. Feeling aggrieved against the said decision of the trial Court, the appellant-plaintiff filed an appeal, which also came to be dismissed on 25.07.1998, hence, the present Regular Second Appeal.

Learned counsel for the appellant argues that once the appellant-plaintiff was appointed as an Electrician on daily wage basis, his services should have been regularized on the said post and not on a lower post of Electrician Helper and the Courts below have failed to consider the evidence on record while recording the findings against the appellant-plaintiff.

On being asked to point out evidence on record to show that the appellant-plaintiff was appointed as an Electrician, no appointment order could be shown that the appellant-plaintiff was ever appointed as an Electrician on daily wage basis. In the absence of any appointment order of the appellant-plaintiff on daily wage basis on record to support the said contention, the claim of the appellant-plaintiff that he was regularized on a lower post, is not made out. The perversity being claimed in the orders of the Courts below has not been substantiated by the learned counsel for the appellant on the basis of the evidence which is already on record.

Learned counsel for the appellant further submits that two similarly situated employees have already been given the higher pay scale of

Rs.950-1500/- whereas the appellant was being given pay scale of Rs.750-940/- which is arbitrary.

In this regard, it may be noticed that two employees namely Satbir Singh and Parmal have been regularized on the post of Electrician and it is a conceded position that they were earlier working on the post of Electrician. It is also a conceded position that for the post of Electrician, the pay scale is Rs.950-1500/- which is being paid to them. The claim of the said pay scale by the appellant-plaintiff while working on a lower post of Electrician Helper, is not made out. Merely that the other two employees were also not ITI qualified will not give a right to the appellant-plaintiff to claim higher pay scale even while working on a lower post.

No perversity could be pointed out by the learned counsel for the appellant-plaintiff in the judgments of the Courts below qua the evidence which has already come on record so as to require any interference by this Court.

No ground is made out for any interference called by this Court.

Dismissed.

**March 13, 2023**

*harsha*

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes