

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

RSA-1116-1994(O&M)
Decided on :14.02.2024

State of Punjab and another . . Appellants

Versus

Lakhbir Kaur . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Rohit Ahuja, DAG, Punjab.

Mr. Akshat Dalal, Advocate and
Ms. Sanjana Makkar, Advocate for the respondent.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present regular second appeal, the challenge is to the judgment of the trial Court dated 30.03.1992 by which, the suit filed by the respondent-plaintiff seeking regularization of her services on completion of 240 days/1 year in service was allowed as well as judgment and decree of the lower Appellate Court dated 18.09.1993 by which, the appeal filed by the appellant-State against the said judgment and decree of the trial Court, was dismissed by the

2. Learned counsel for the appellants-State submits that the respondent-plaintiff was employed as a clerk on *ad-hoc* basis for a period of

three months on 24.03.1973 which period was extended and the respondent-plaintiff continued working till his services were regularized in the year 1997. The respondent/plaintiff claimed that he is entitled for regularization of her services on completion of 240 days in service, which should be calculated from her initial date of appointment i.e. 24.03.1973.

3. Keeping in view the facts and evidence which came on record, the trial Court accepted the claim of the respondent-plaintiff and by relying upon the judgment of this Court passed in 'Piara Singh v. State of Haryana 1988 (4) SLR 739', the claim of the respondent-plaintiff was allowed and the direction was issued to the department concerned that the respondent-plaintiff will be treated as a regular employee on completion of one year of service starting from her initial date of appointment along with seniority and other benefits. The said judgment of the trial Court was upheld by the Lower Appellate Court and the appeal filed by the appellant-State was dismissed. Hence, the present regular second appeal has been filed by the appellant-State.

4. Learned counsel for the appellant submits that the operation of judgments and decrees of the courts below was stayed by the interim order of this Court. Learned counsel for the appellant-State further states that the judgment of this Court in Piara Singh's case (supra) on which basis the suit of the respondent-plaintiff was allowed, has already been set-aside by the Hon'ble Supreme Court of India, which judgment has been reported as 'State of Haryana and others v. Piara Singh and others' 1992 (SCC) Page 118.

5. Learned counsel for the appellant submits that once the basis, for allowing the claim of the respondent-plaintiff has been set-aside by the Hon'ble Supreme Court of India, the judgments and decrees of the courts

below are liable to be set-aside.

6. Learned counsel for the respondent- plaintiff has not been able to dispute that the claim of the respondent-plaintiff so as to grant him the benefit of regularization on completion of I year of service was based upon the judgment of this Court in 'Piara Singh v. State of Haryana 1988 (4) SLR 739, which judgment has been set-aside by the Hon'ble Supreme Court of India.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It has already come on record that in the year 1977, the services of the respondent-plaintiff had already been regularized but thereafter, the respondent-plaintiff raised a claim for regularization of her services on completion of one year of service from her initial date of appointment i.e. 24.03.1973. The civil suit was filed by the by the respondent-plaintiff in the year 1989 i.e. after 12 years of regularization of her services. The said claim was based upon the judgment of this Court in 'Piara Singh v. State of Haryana 1988 (4) SLR 739, wherein direction was given to the State to regularize the services of the employees who had completed 240 days/ 01 year of service from the date of their initial appointment. ***Once, the said judgment of this Court has already been set aside by the Hon'ble Supreme Court of India, the benefit granted by the Courts below relying upon the judgment of this Court, cannot sustain.***

9. Learned counsel for the respondent-plaintiff has not been able to rebut the fact that the judgment of Hon'ble Supreme Court of India covers the case against the respondent-plaintiff with regard to the claim of regularization of her services on completion of one year of service from the date of her initial appointment.

10 Keeping in view the facts and circumstances of the present case recorded herein above, the judgments and decrees passed by the Courts below are perverse to the judgment of Hon’ble Supreme Court of India in **‘State of Haryana and others v. Piara Singh and others’ 1992 (SCC) Page 118**, hence, ***cannot sustain and are accordingly set-aside and the suit filed by the respondent-plaintiff stands dismissed.***

11. The present appeal is allowed in above terms.

12. Pending civil miscellaneous application, if any, stands disposed of.

14.02.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

(HARSIMRAN SINGH SETHI)
JUDGE