

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA NO.474 of 1996 (O&M)

Date of Order:10.01.2024

Ram Kumar

..Appellant

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Varun Sharma, Advocate,
for the appellant.

Ms. Vibha Tewari, AAG, Haryana
Mr. Jaspal Singh Pannu, AAG, Haryana

ANIL KSHETARPAL, J

1. This is the plaintiff's regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing his suit for grant of decree of declaration, that his services have been wrongly dispensed with.

2. It has come on record that the appellant was never appointed on a regular basis. For the first time, he was appointed on ad hoc basis on 20.03.1991 and he continued to work till 19.09.1991 against the leave vacancy created by Sh. Ram Lal. Subsequently, he was again re-appointed on 25.11.1991 against a leave vacancy. Subsequently, Sh. Ram Lal resigned and the post became available. However, the regular employee from some other place joined and the services of the appellant were dispensed with on 19.08.1992.

3. Both the courts on appreciation of the evidence have found no merit in the appellant's claim.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book along with the requisitioned lower court record in the digital form.

5. The learned counsel representing the appellant submits that after completion of 240 days of continuous service, the services of the appellant could not be dispensed with in this manner. He submits that many identically situated employees have similarly regularised.

6. This court has considered the submissions of the learned counsel representing the parties.

7. It is evident that the appellant was never appointed on regular basis. On both the occasions, he was appointed on ad hoc basis against a leave vacancy. Once the regular employee joined, the services of the appellant were dispensed with. In *State of Haryana vs. Piara Singh, 1992 AIR (SC) 2130*, the Supreme Court has held that on completion of 240 days of continuous service in a calendar year, the employee does not become a regular employee.

8. As regards the second argument, it may be noted that the learned counsel representing the appellant has made submission which was never pressed before the courts below. While hearing the regular second appeal, the Court is not expected to entertain an absolutely new ground. In any case, it would not be appropriate for the Court to perpetuate the illegalities.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

10. Dismissed accordingly.

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

January 10, 2024

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Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO

(ANIL KSHETARPAL)

JUDGE