

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-3577-1997 (O&M)
Date of decision: 03.05.2024

Kendriya Vidyalaya Sangthan and others
.....Appellants
Versus
Harcharan Singh
.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Aseem Aggarwal, Advocate
for Mr. Harsh Aggarwal, Advocate for the appellants.

None for the respondent.

NAMIT KUMAR J. (Oral)

The appellants have filed the instant appeal against the judgment and decree dated 28.10.1991 passed by the learned trial Court whereby the suit for declaration filed by the plaintiff/respondent has been decreed and the judgment and decree dated 27.03.1997, passed by the learned Appellate Court whereby the appeal preferred by the appellants against the aforesaid judgment and decree dated 28.10.1991, has been dismissed.

On 16.05.2013, the matter was take up before the Daily Pre-Lok Adalat, wherein the following order was passed:-

“Plaintiff-appellant filed a suit for declaration that he was appointed by the defendant on the post of Peon after the post was advertised. The plaintiff had applied for the said post, he being 10th class fail. The qualification for the post of a Peon was middle pass. The defendant decided to terminate his services. The filing of the suit was necessitated as defendants 1 and 2 had issued directions to defendant No. 3 to terminate his services. The trial Court by judgment and decree dated 28.10.1991 decreed the plaintiff's suit. Defendant preferred an appeal which came to be heard and decided by the learned Additional District Judge. It was conceded position before the appellate Court that the plaintiff has never passed middle class examination which was the pre-requisite qualification for

the post of Peon. It is also a conceded position that in the application submitted by the plaintiff for the post of a Peon, Ex. P1, it had been mentioned against the column of qualification as "matric fail". Learned Additional District Judge after considering the contentions raised dismissed the appeal by order dated March 27,1997. The appellant is continuing in service for the last more than 26 years as on today.

Learned counsel for the respondent stated before me that the defendants-appellants have even promoted the respondent during the pendency of this appeal and he is continuing on the promoted post as Laboratory Attendant, This is not disputed by the appellants and it was only stated that it was a conditional order.

Plaintiff-respondent herein is continuing in service for the last about 26 years and his services were sought to be terminated somewhere in the year 1988 which led to the filing of the suit for declaration. The defendant-respondent is continuing in service since then as his suit was decreed by the two Courts below. In view of this, he was promoted by the appellants as Laboratory Attendant during the pendency of this appeal.

In view of the above, returned to the High Court and this appeal, which is of the year 1997, deserves to be listed before an Hon'ble Judge for final disposal, high up in the list, after seeking orders from Hon'ble the Chief Justice.”

As of now, the respondent has already rendered about 37 years of service and it has also been recorded in the above order that he was further promoted to the post of Laboratory Attendant.

There was no stay to the impugned judgments of the Courts below when the appeal was admitted.

In this view of the matter, nothing survives in the present appeal and the same is disposed of accordingly.

(NAMIT KUMAR)
JUDGE

03.05.2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No