

2024:PHHC:073634



**CM-473-C-2023 in/and
RSA-194-2005**

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

(205)

**CM-473-C-2023 in/and
RSA-194-2005**

Date of Decision : May 23, 2024

Jai Bhagwan

.. Appellant

Versus

Haryana State Federation of Cooperative Sugar Mills Ltd and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chanderhas Yadav, Advocate, for the appellant.

Mr. R.K. Doon, Advocate, for respondents No. 1 and 2.

Ms. Parul, Advocate, for respondents No. 3 and 4.

HARSIMRAN SINGH SETHI J. (ORAL)

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As prayed for, the application is allowed.

RSA-194-2005

1. In the present appeal, the challenge is to the judgments and decrees of the Courts below by which, the claim of the appellant-plaintiff for regularization of his services w.e.f the date private respondents No. 3 and 4 have been regularized, has been declined by the lower Appellate Court vide judgment and decree dated 02.12.2003 wherein, the judgment and decree of the trial Court dated 28.08.2003 dismissing civil suit filed by him, has been upheld.



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2. Learned counsel for the appellant-plaintiff submits that the private respondents are junior to the appellant-plaintiff hence, the appellant-plaintiff is entitled for regularization of his services from the date the services of respondents No. 3 and 4 have been regularized.

3. In the absence of any evidence brought on record that the appellant-plaintiff is senior to the private respondents, the benefit of regularization of service w.e.f. the date private respondents have been granted the said benefit, has rightly not been granted by the Courts below.

4. Learned counsel for the appellant-plaintiff submits that a document Ex.D-2 i.e. seniority list of the daily wagers has been brought on record according to which, the appellant-plaintiff was shown to have been appointed on 19.11.1985 whereas, his date of appointment while granting him the benefit of regularization, has been taken as 05.11.1989 hence, the order of regularization is bad.

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

6. It may be noticed that no such order of regularization is under challenge in the present civil suit.

7. Learned counsel for the appellant-plaintiff concedes that the said order of regularization of his services was passed during the pendency of the civil suit and the said benefit granted, has not been challenged at any given point of time. Once, a particular order has been passed by the respondents giving the date of regularization from a particular date, which has gone un-challenged at the hands of the appellant-plaintiff, no finding



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can be recorded that the said order is arbitrary and illegal unless and until, the same is challenged on any given ground.

8. Learned counsel for the appellant-plaintiff conceded the said fact that the appellant-plaintiff never challenged the order of regularization of his services, his services were regularized w.e.f. the year 2001.

9. On being asked to point out the facts as well as the evidence to show that the private respondents are junior to the appellant-plaintiff, no such seniority list in any of the cadre in which the appellant-plaintiff is working and the private respondents are working, has been shown to this Court.

10. No other argument was raised.

11. Keeping in view the facts and circumstances of the present case, as no perversity in the judgments and decrees of the Courts below has been pointed out, no relief can be granted to the appellant-plaintiff in the present regular second appeal so as to treat the order impugned as perverse.

12. Dismissed.

May 23, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No