



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-1701-2024 (O&M)

Date of decision: 13.08.2024

Haryana Dairy Development Cooperative
Federation Limited and another

....Appellants

Versus

Kartar Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Padam Kant Dwivedi, Advocate
for the appellants.

Mr. R.K. Malik, Sr. Advocate with
Mr. Varun Veer Chauhan, Advocate
for the caveator-respondent.

DEEPAK MANCHANDA, J.

1. Through this intra Court appeal, appellants have challenged the impugned judgment dated 01.09.2023 passed in CWP-15492-2019 which has been allowed by the learned Single Judge by giving directions to the respondent to regularize the services of the respondent w.e.f. 01.04.1995 as per Annexure P-4, on parity when services of his juniors were regularized with refixation of pay and all consequential benefits to be disbursed in a time bound manner with interest @ 6% p.a within two months failing which the respondent shall be entitled for further interest @ 18 % p.a.

2. The outlined facts emanating from the pleadings are that the respondent was appointed as a Helper in Management in March, 1986, whose services were terminated w.e.f. 01.04.1988. The termination was



challenged before the Labour Court where vide award dated 05.02.1992 the services of the respondent were ordered to be reinstated with continuity of service and full back wages from 01.04.1988 to 21.05.1989 except for the period from 21.05.1989 to 04.02.1992 as full salary from the date of award. The said award was challenged vide CWP-6787-1992 including CWP-8716-1992 which were dismissed however, the back wages were restricted for a period of five year i.e. almost 25 percent to the total wages and respondent was allowed to join duty in 2007. Later on the respondent sought information under RTI Act dated 24.01.2013 (Annexure P-5) where it was revealed that services of other junior employees, who were junior to respondent were also regularized vide order dated 28.04.1995/10.05.1995 (Annexure P-4). Thereafter, by making reference of several employees who were junior to the respondent, the writ petition No.15492-2019 was filed by the respondent, claiming parity, where by filing written statement the appellants took a stand that since the respondent was appointed as casual labour for civil construction works against the non-sanctioned post hence his services could not be regularized. Aggrieved against the impugned judgment dated 01.09.2023 this intra Court appeal has been preferred by the appellants.

3. We have heard leaned counsels for the parties.
4. The pleadings of the present appeal would show that the respondent claimed parity with other similarly situated employees whose services were regularized and the learned Single Judge while relying upon the judgments in *Baldu Ram Vs. State of Haryana, 2000 (5) SLR 1* and *LPA-1037-2012 – State of Haryana and others Vs. Ved Pal and others*, and



in light of the **Ved Pal’s** case (supra) the writ petition filed by the respondent was allowed.

5. After perusal of material available on record, we are in agreement with the observations made by the learned Single Judge that respondent is deemed to be in service with effect from the date when he was originally appointed on daily back wages and once he is said to be in service with effect from the original date of the appointment he would be entitled to seek regularization on the ground of parity as in identical circumstances the services of other similarly situated employees were regularized and appellants are not in a position to dispute the same. The only question which arose before this Court for consideration is the alleged discrimination done at the hands of appellants in case of respondent and admittedly the appellants are not in position to deny the same. Moreover, the judgment of **Ved Pal’s** case (supra) referred in the impugned judgment by the learned Single Judge has also attained finality, as the SLP (Civil) No.36871-2012 filed by the appellants, has already been dismissed vide order dated 02.05.2014 by the Hon’ble Apex Court. So in the light of above discussion, we are not inclined to interfere, accordingly the present intra Court appeal is dismissed.

6. Pending miscellaneous application(s) shall also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(DEEPAK SIBAL)
JUDGE

13.08.2024

Sapna Adhikari/vanita

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No