

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

RSA-2618-2016 (O&M)

Date of Decision : May 02, 2024

Panipat Cooperative Sugar Mills Limited and others

.. Appellants

Versus

Deepak Kumar

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagdeep Singh Rana, Advocate, for the appellants.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present appeal, the challenge is to the judgments and decrees of the Courts below by which, the suit filed by the respondent-plaintiff has been decreed with costs and the appeal filed by the appellants has been dismissed.

2. Certain facts may be noticed for the correct appreciation of the issue in hand.

3. The father of the respondent-plaintiff was working with the appellant-Mill and had died while in service on 17.09.1995 after which, the mother of the respondent-plaintiff namely Smt. Bhateri Devi was appointed in the said Mill on 02.01.1996 with the condition that as soon as the respondent-plaintiff will attain the age of majority, instead of Smt. Bhateri Devi, the employment will be provided to the respondent-plaintiff.

4. As the employment was not being given to the respondent-plaintiff as per the said condition, the civil suit was filed which civil suit was allowed by the trial Court vide judgment and decree dated 01.09.2014 keeping in view the evidence which had come on record.

5. Feeling aggrieved against the said judgment, the appeal was preferred which was also dismissed by the lower Appellate Court vide judgment and decree dated 02.02.2016 hence, the present regular second appeal.

6. It may be noticed that the present regular second appeal was filed in the year 2016 and as there was no interim order, the judgments and decrees of the Courts below have already been complied with and instead of the mother, the respondent-plaintiff had already been given appointment by the appellants.

7. Learned counsel for the appellants argues that though it is a conceded position that when the mother of the respondent-plaintiff was appointed in the year 1996, there was a condition in her appointment order that the employment will be given to the respondent-plaintiff as and when he will attain age of majority but submits that before the respondent-plaintiff attained the age of majority, the rule qua the grant of said benefit had been changed. Learned counsel for the appellants submits that the changed rule has not been taken into account by the Courts below while granting the said relief to the respondent-plaintiff.

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

9. The claim raised in the suit by the respondent-plaintiff was based upon the terms and conditions of the appointment given to the mother of the respondent-plaintiff by the appellant-Mill. The claim of the

respondent-plaintiff was only to comply with the said direction. Once, an offer was already made and accepted, merely that the Rules were subsequently changed, cannot be made applicable so as to wriggle out of the agreed terms and conditions. Any right which has accrued in favour of the respondent-plaintiff on the basis of the terms and conditions of a letter of appointment dated 02.01.1996, the Courts below have only executed the said right under the agreed terms and conditions.

10. Even otherwise, the judgments and decrees of the Courts below have already been complied and instead of the mother of the respondent-plaintiff, the respondent-plaintiff has already been given appointment and he is working with the appellants hence, now withdrawing the said benefit of appointment from the respondent-plaintiff will be too harsh especially when no perversity in the judgments and decrees of the Courts below has been pointed out.

11. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. Dismissed.

13. Any civil miscellaneous application pending if any, also stands disposed of.

May 02, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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