

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1341-2003 (O&M)
Reserved on: 19.09.2025
Date of decision: 11.11.2025

STATE OF HARYANA & ANR.

..Appellants

Versus

MADAN LAL

..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ram Karan Sharma, AAG, Haryana

Mr. Anuj Gupta, Advocate
Mr. Sanjiv Gupta, Advocate
for respondent.

SUDEEPTI SHARMA, J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 01.06.2002, passed by learned Additional District Judge, Sirsa, whereby, the appeal filed by respondent against judgment and decree dated 25.02.2000, passed by learned Civil Judge (Junior Division), Sirsa was allowed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that respondent was appointed as supervisor and was working as supervisor since 01.06.1985. As per the instructions of government dated 30.05.1994, the persons, who were working on the specific jobs for a particular period of time were to be regularized in view of these instructions. In view of these instructions, respondent was to be regularized against the post of supervisor but to his surprise he was regularized on the post of sewer helper with effect

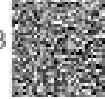


from 01.04.1993 vide order dated 28.02.1994, which was actually meant for a person belonging to *Harijan* community, whereas, the respondent belongs to general category and was matriculate, which is the requisite qualification for the post of supervisor. Respondent issued legal notice to the appellants but did not get any response, therefore, he filed civil suit for declaration that he is entitled to be regularized as supervisor with effect from 01.04.1993 and order dated 28.02.1994 regularizing him as sewer helper is illegal, null and void and liable to be set aside. He also sought relief of mandatory injunction directing the appellants to regularize his services as a supervisor and pay him arrears of salary as a regular supervisor with effect from 01.04.1993. The civil suit filed by the respondent was dismissed by learned Civil Judge (Junior Division), Sirsa, vide judgment and decree dated 25.02.2000. He filed appeal against judgment and decree dated 25.02.2000, which was accepted by learned Additional District Judge, Sirsa, vide judgment and decree dated 01.06.2002. Hence, the present Regular Second Appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellants contends that learned Additional District Judge, Sirsa, without appreciating the evidence on record, has wrongly reversed the well reasoned judgment and decree dated 25.02.2000 passed by learned Civil Judge (Junior Division), Sirsa. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for respondent contends that learned Additional District Judge, Sirsa has rightly reversed the judgment and decree dated 25.02.2000 passed by learned Civil Judge (Junior Division), Sirsa. He, therefore, prays that the present appeal be dismissed.



5. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

6. A perusal of the evidence on record shows that there are a number of documents showing that respondent was appointed as work munshi, which is equivalent to work supervisor, in the year 1985, and he was never appointed as sewer helper.

7. PW-1 Yogesh Sharma as well as DW-1 Mani Ram admitted on the basis of record that respondent was appointed as work munshi in August 1985 and his appointment went on extending from time-to-time. They also admitted that case of respondent was sent for regularization on the post of supervisor and respondent never worked as sewer helper, which post is meant for persons belonging to *Balmiki* caste and not for the persons belonging to general category. They also deposed that respondent belongs to general category.

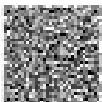
8. Even Satbir Since, SDC while appearing as DW-2 deposed that respondent was appointed as work supervisor in Public Health Department in the year 1985 and that post falls within Grade III, whereas, post of sewer helper falls within Class IV post. No doubt, he deposed at one point of time that the services of respondent were regularized as per the instructions of government with effect from 01.04.1993 but he admitted in cross-examination that respondent had been working as supervisor with effect from 01.06.1985 and he has been wrongly regularized on the post of sewer helper.

9. The document Ex.P-1 to Ex.P-27 not only show that respondent was appointed as work supervisor in Public Health Department, Division No.1, Sirsa but also worked on that post. Once the services of Madan



Lal/respondent were transferred in Public Health Department, Division No.2 during October, 1989 as is revealed from letter Ex.P-8 but it was also clarified in the letter that respondent was engaged as supervisor by the office of Public Health Department, Division No.1. There is lot of correspondence on the file showing that claim of respondent was forwarded by S.D.O. and Executive Engineer to the Superintending Engineer for regularizing his services as a supervisor instead of sewer helper but he was not regularized as supervisor, whereas, order dated 28.02.1994 was passed, regularizing him as sewer helper. The letter written by Financial Commissioner, Government of Haryana to Engineer-in-Chief, Haryana dated 29.03.2001 shows that post of work munshi and work supervisor are the same and they carry same pay scale, therefore, the order of regularizing the respondent as sewer helper was illegal, since he was entitled to be regularized as a work supervisor because he was posted on the same post in the year 1985 and had been working on the same very post till 31.03.1993.

10. It is admitted fact by DW-1 and DW-2 that respondent was appointed on the post of work munshi in the year 1985 and he worked on that post till the day he was regularized against the post of sewer helper. Ex.P-11, Ex.P-12 and Ex.P-13 show the appointment of respondent as work munshi. The witnesses also clarified that the respondent was matriculate and belongs to general category and is eligible for the post of work supervisor, whereas, post of sewer helper is meant for members of *Balmiki* community. Letter dated 29.03.2001 clearly states that post of work supervisor and work munshi are equivalent and carry the same pay scale, therefore, in view of the instructions of government contained in letter Ex.P-5 dated 05.06.1993, respondent was entitled to be regularized against the post of work supervisor



with effect from 01.04.1993. Accordingly, order dated 28.02.1994 regularizing him to the post of sewer helper with effect from 01.04.1993 is not sustainable in the eyes of law.

DECISION

11. In view of the above discussion, I do not find any infirmity or illegality in the judgment and decree dated 01.06.2002 passed by learned Additional District Judge, Sirsa and the same is hereby upheld.
12. Consequently, the instate appeal is dismissed. Parties are left to bear their own costs.
13. Decree sheet be drawn.
- 14 All the pending miscellaneous applications, if any, are also disposed of.

11.11.2025

Ayub

(SUDEEPTI SHARMA)
JUDGE

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