



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2738-2003 (O&M)
Reserved on: 23.09.2025
Date of decision: 11.11.2025

AMAN KUMAR

..Appellant

Versus

STATE OF HARYANA & ORS.

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Anshul Sharma, Advocate
Mr. Rahul Verma, Advocate
Ms. Vanshika Sharma, Advocate
for the appellant.

Ms. Rajni Gupta, Addl. A.G., Haryana.

SUDEEPTI SHARMA, J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 31.08.2001, passed by learned Additional Civil Judge (Senior Division), Faridabad as well as judgment and decree dated 25.01.2003 passed by learned Additional District Judge, Faridabad, whereby, civil suit filed by the appellant was dismissed and appeal filed by him was also dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that appellant was working as tubewell operator with effect from 30.09.1985 and his services were terminated on 16.09.1988. He raised industrial dispute before Labour Court and Labour Court vide award dated 20.04.1993 ordered his reinstatement with backwages and continuity of service on the post of tubewell operator. After passing of the award, appellant reported for duty but



respondents refused to provide him duty, therefore, appellant made a complaint to Labour Inspector and Labour Inspector recommended prosecution of respondents and ultimately appellant was provided duties on 24.05.1994 vide letter dated 26.05.1994. The writ petition filed by the respondents against award dated 20.04.1993 passed by Labour Court was also dismissed. At the time of taking him on duty, respondents mentioned in the letter dated 26.05.1994 that appellant was posted on muster roll basis, which was against award dated 20.04.1993 passed by Labour Court. The appellant made several representations to respondents to regularize his services with backwages treating him as regular employee and to pay him all the benefits since 16.09.1988 till date as was paid by respondents to other regular employees. However, the representation was not decided. Therefore, he filed civil suit challenging letter dated 26.05.1994 to be illegal, null and void and in violation of award dated 20.04.1993 and therefore, he is entitled for regularizing of services on the post of tubewell operator, salary and all arrears of backwages and other consequential benefits of the said post with effect from 16.09.1988. A decree for mandatory injunction was also sought directing the respondents to regularize the services of appellant as a tubewell operator and to pay him arrears of backwages of the said post with effect from 16.09.1988. The civil suit filed by him was dismissed by learned Additional Civil Judge (Senior Division), Faridabad vide its judgment and decree dated 31.08.2001. He filed appeal against judgment and decree dated 31.08.2001, which was also dismissed vide judgment and decree dated 25.01.2003 by learned Additional District Judge, Faridabad. Hence, the present Regular Second Appeal.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-**

3. Learned counsel for the appellant contends that both the Courts did not appreciate the evidence on record and dismissed the civil suit as well as appeal filed by the appellant. He, therefore, prays that the present appeal be allowed.

4. He relies upon the judgment passed by Hon'ble Supreme Court in **Bhagwati Prasad and others Vs. Delhi State Mineral Development Corporation, 1990(1) SCC 361**, wherein Hon'ble Supreme Court has held that the worker employed on daily wages and working continuously could not be refused regularization on the ground of lack of minimum prescribed educational qualification and practical experience should be considered sufficient for confirmation in such cases.

5. Per contra, learned counsel for respondents contends that civil suit as well as appeal filed by the appellant has rightly been dismissed by both the Courts below. He, therefore, prays that the present appeal be dismissed.

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

7. The admitted facts are that on 30.09.1985, the appellant joined as pump attendant on daily wages. His services were terminated on 16.09.1988. He raised a dispute and vide award dated 20.04.1993 (Ex.P-4), his services were ordered to be reinstated with continuity of service with full backwages. The Labour Court award was challenged by filing writ petition and the same was dismissed on 14.09.1994 (Ex.P-5). In the writ petition Ex.P-22, the designation of appellant was mentioned as water pump operator Grade II on daily wages. It is also not disputed that for the post of water



pump operator, a candidate must be matriculate and diploma holder from ITI. It is admitted fact that appellant was not matriculate although he gained sufficient experience while working as tubewell pump attendant. It is evident from the copies of Muster Roll Ex.P-29 to Ex.P-33, Ex.P-36, Ex.P-40 and Ex.P-41 that appellant was initially appointed as pump attendant with effect from 30.09.1985. He did not even fulfill requisite qualifications to be appointed as water pump operator. Therefore, he could not be regularized as water pump operator. Moreover, appellant was appointed as Class-IV as pump attendant on daily wages with effect from 30.09.1985 and respondents cannot be directed to reinstate him as water pump operator-II when he does not fulfill the requisite qualifications for the same. Even PW-1 Baljit Singh stated that post of pump operator is of Class-III while post of pump attendant is class-IV post and appellant was simply appointed as work charge labour on the post of pump attendant and no appointment letter was ever issued in favour of the appellant for the post of pump operator. Even in award Ex.P-4, it has been admitted that appellant was initially appointed as Mali-cum-Chowkidar and was later on authorized to carry on the job of water pump operator on daily wages and the same would not entitle him to be regularized on the same post since he does not fulfill the requisite qualifications of ITI certificate. The appellant was examined as PW-2 who himself admitted that he does not possess any ITI certificate nor he has undergone six month training at ITI, Faridabad.

8. Now coming to the judgment referred to above by learned counsel for the appellant. The petitioners in **Bhagwati Prasad's case (supra)** were working with designations such as Wages Slip, Truck Loading Clerk, Attendance Keeper Clerk, Drill Man, Office Work, Stone Bricks Clerk Fitter



Survey Section, Pipe Fitter, Operator, Pump Operator, Creched Check Post Clerk, Permit Clerk etc., whereas, in the present case, the post of tubewell operator/water pump operator is technical in nature, which requires specific ITI certificate. Therefore, judgment referred to by the appellant is not applicable in the case of the petitioner. Since water pump operator is a technical post for which technical qualification is required without which the risk to the machine as well as to life is involved. Therefore, both the Courts below has rightly dismissed the appeal as well as civil suit filed by the appellant.

DECISION

9. In view of the above discussion, I do not find any infirmity or illegality in the judgment and decree dated 31.08.2001, passed by learned Additional Civil Judge (Senior Division), Faridabad and judgment and decree dated 25.01.2003 passed by learned Additional District Judge, Faridabad and the same are hereby upheld.

10. Consequently, the appeal is dismissed. Parties are left to bear their own costs.

11. Decree sheet be drawn.

11.11.2025

Ayub

**(SUDEEPTI SHARMA)
JUDGE**

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