



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

214

RSA-4402-2001 (O&M)

Date of Decision: May 20, 2025

State of Haryana and others

.....Appellant(s)

Vs.

Surat Singh and others

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Shivendra Swaroop, DAG, Haryana.
for the appellant (s).

Mr. Kartikey Choudhary, Advocate for
Mr. Samrat Malik, Advocate
for the respondents.

SUDEEPTI SHARMA J. (ORAL)

The present appeal is preferred against the judgment and decree dated 03.09.2001 passed by learned Additional District Judge, Narnaul whereby the appeal filed by the respondents against judgment and decree dated 10.08.1999 passed by learned Civil Judge (Junior Division), Narnaul was partly allowed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that the respondents being Ex-Servicemen were involved in a training under the scheme known as 'PEXSEM' formulated by Government of India. The primary purpose of the scheme was to render assistance to Ex-Serviceman for re-settlement in backward districts of



the country. The respondents were appointed in the said scheme and vide order dated 08.03.1994 issued by Secretary, Rajya Sainik Board, Haryana, Panchkula, the services of respondents were terminated on the ground that the 'PEXSEM' scheme at Mahendergarh had been abolished. They challenged the order dated 08.03.1994 by way of filing a civil suit which was dismissed vide judgment and decree dated 10.08.1999. The respondents filed appeal against the same which was partly decreed in their favour vide judgment and decree dated 03.09.2001. Hence, the present Regular Second Appeal.

SUBMISSION OF LEARNED COUNSELS FOR THE PARTIES

3. Learned counsel for the appellants contends that learned first Appellate Court failed to appreciate that the respondents were working under the 'PEXSEM' scheme and the scheme was abolished and therefore their services were no longer required. Further they worked under the scheme for a particular period and purpose, therefore they were never regularized and learned first appellate Court by treating the persons working under 'PEXSEM' scheme as being appointed against the vacant post, has directed to absorb the respondents in any other district against a vacant post where 'PEXSEM' scheme has been implemented. He further, on instructions from Sh. Vijay Kumar, WO, Zila Sainik Board, Narnaul, contends that the impugned judgment and decree passed by learned Additional District Judge, Narnaul is dated 03.09.2001 and at that point of time, no 'PEXSEM' scheme was in existence since 'PEXSEM' schemes in all the districts in State of Haryana were abolished in the year 1996. He therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondents contends that other similar situated persons were absorbed by the appellants, therefore they should



also have been absorbed under the 'PEXSEM' scheme. He therefore prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. A perusal of the record shows that during the year 1983-1984 in order to provide self-employment to the Ex-Serviceman, retired or retiring, a scheme known as 'PEXSEM' (preparing Ex-Serviceman for self-employment) was formulated by Ministry of Defence, Government of India. Initially the scheme was implemented in six States including State of Haryana on experimental basis. The expenditure on the scheme for the first two years was to be borne by the Central Government and thereafter the expenses were to be shared by the State Government and the Central Government in the ratio of 50:50. In Haryana, initially the scheme was implemented only in Mahendergarh district. Mahendergarh district was chosen because it had huge strength of Ex-servicemen. Respondent No.1-Surat Singh was appointed as Clerk on 01.03.1984 under the Scheme for Mahendergarh by the District Commissioner-cum-President Zila Sainik Board, Narnaul. Respondent No.2-Dalip Singh was appointed as Assistant Project Officer under the same scheme by the same authority on 17.02.1989. Deputy Commissioner being the President of Zila Sainik Board was the appointing authority. Later on, the scheme was extended to other ten districts of the State of Haryana, with a result some of the districts were left out of the scheme. In order to extend the benefit of scheme to other districts, the scheme was dropped in Ambala, Kurukshetra, Karnal, Gurgaon and Mahendergarh districts particularly due to paucity of funds and to provide equal opportunity of the benefit of the scheme to other



districts as well. The scheme was dropped from these districts w.e.f. 01.04.1994 and a letter to that effect dated 08.03.1994 was written by Rajya Sainik Board, Haryana, as a result of which, the posts held by the respondents became surplus and their services were terminated w.e.f. 01.04.1994. Admittedly both the respondents were serving under a scheme which was dropped in Mahendergarh and four other districts due to paucity of funds and to provide equal opportunity of benefit of the scheme to the other districts as well. The respondents had no vested interest to be continued under the 'PEXSEM' scheme.

7. A perusal of the record shows that the funds sanctioned in the budget for the scheme were not sufficient for implementing the scheme in all the districts of the State of Haryana. Therefore, it was decided to implement the scheme in 5/6 districts each year to achieve more and more targets. Further the scheme in Mahendergarh was abolished and respondents were engaged by Deputy Commissioner, Narnaul being the Chairman of Zila Sainik Board, they could not be transferred and absorbed in other districts. Their termination was in accordance with terms and conditions of their engagement which was purely on temporary basis under 'PEXSEM' scheme. Further since the scheme was abolished, therefore, the respondents could not be absorbed, since it was never a permanent job against any vacant post. Admittedly, the engagements of the respondents were temporary under the 'PEXSEM' scheme. Terms and conditions laid down in Ex.PW-2/2 also shows that the services of respondents were purely temporary in nature under the scheme. As per the terms and conditions, it has been specifically mentioned that services of the respondents could be terminated after giving one month notice or one month pay. There is nothing on record to show that the services of the respondents were to be



regularized. Ex.PW2/6, however, shows that 'PEXSEM' scheme had been discontinued in District Mahendergarh. Further Ex-PW3/A shows that the scheme was introduced in April, 1985 and thereafter, Ex.PW3/C shows that the said scheme was discontinued. This document further shows that the scheme was applicable on year to year basis and every year area in which it was to be introduced was changed as per the instructions of the Government. Ex. PX shows that in 1995, the scheme was introduced in Rewari. Further, it is conceded by the respondents themselves during the pendency of the civil suit in the year 1997 that at that point of time the scheme was not in operation anywhere in the state of Haryana. Once the scheme was not there, the directions given by the learned Additional District Judge to absorb the respondents in any other district against vacant post where 'PEXSEM' scheme had been implemented that too on 03.09.2001 is totally contrary to the evidence on record as well as conceded pleadings of the respondents. Thus, learned first Appellate Court totally ignored the evidence on record while passing the above direction.

8. This court vide order dated 07.09.2002 while admitting the present appeal, stayed the operation of impugned judgment and decree dated 03.09.2001.

9. In view of the above, the present appeal is allowed and judgment and decree dated 03.09.2001 passed by learned Additional District Judge, Narnaul, is set aside and judgment and decree dated 10.08.1999 passed by learned Civil Judge (Junior Division), Narnaul is upheld.

10. Parties are left to bear their own costs.



- 11. Decree sheet be drawn.
- 12. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

May 20, 2025
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No