

RSA-887-2007

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

RSA-887-2007

Reserved on: 03.09.2025

Date of decision: 07.11.2025

BHOOP SINGH**..Appellant****Versus**

**NARNAUL PRIMARY COOPERATIVE AGRICULTURE & RURAL
DEVELOPMENT BANK LTD. AND OTHERS**

..Respondents**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

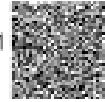
Present: Mr. R.K. Malik, Sr. Advocate
with Mr. Ankur Sheoran, Advocate
Mr. Samrat Malik, Addvocate
for the appellant.

Mr. S.S. Dalal, Advocate
Mr. Vijay Sangwan, Advocate
for respondents.

SUDEEPTI SHARMA, J.

1. The present appeal is preferred against judgment and decree dated 22.02.2007 passed by Additional District Judge, Narnaul, whereby, appeal filed by respondents is allowed and judgment and decree dated 31.08.2004 passed by Additional Civil Judge (Senior Division), Narnaul, is dismissed.

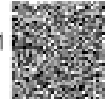
2. Vide order dated 19.03.2007, this Court directed the respondents not to relieve the appellant if he was still in service.

**BRIEF FACTS OF THE CASE**

3. Brief facts of the case as per the pleadings in civil suit are that appellant was initially appointed as Chowkidar on daily wages vide order dated 19.04.1994. Thereafter, his appointment was approved by Board of Director of the bank in the meeting of Managing Committee held on 06.05.1996 and it was resolved to regularize the services of the appellant as Peon in the bank and respondent No.2 forwarded the case for regularization of services of the appellant to respondent No.3.

4. One Mohan Lal was also appointed as Peon by respondent No.1 on ad hoc basis vide office order dated 09.12.1994 and his services were regularized by respondent No.3 with effect from 09.12.1994 despite the fact that Mohan Lal was appointed after the appellant and both were working on similar post. And on account of regularization of services of said Mohan Lal with effect from 09.12.1994, a serious prejudice was caused to the appellant since he was deprived of benefits of regularized post since 09.12.1994. He filed civil suit for declaration against respondents to the effect that he is entitled for regularization of his services as Peon/Chowkidar with effect from 19.04.1994 and he is further entitled for pay/salary and other emoluments of the said post as of the regular employee of respondent No.1 and further for prohibitory injunction against respondents to the effect that they be restrained from terminating the services of the appellant. The civil suit filed by him was decreed by learned Additional Civil Judge (Senior Division), Narnaul vide its judgment and decree dated 31.08.2004.

5. The respondents filed appeal against the judgment and decree dated 31.08.2004, which was allowed by Additional District Judge, Narnaul



vide its judgment and decree dated 22.02.2007 and the judgment and decree dated 31.08.2004 was set aside. Hence, the present appeal.

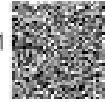
SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

6. Learned counsel for the appellant contends that the only reason given by the First Appellate Court while allowing the appeal filed by the respondent is that the appellant was not 8th pass and did not possess the requisite qualification for regularization of his services. He therefore, prays that the present appeal be allowed.

7. Per contra, learned counsel for respondent contends that the appeal filed by the respondent is rightly allowed by Additional District Judge, Narnaul vide its judgment and decree dated 22.02.2007. He therefore, prays that the present appeal be dismissed.

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

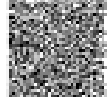
9. Sher Singh was examined as PW-1, who proved on case file appointment letter of the appellant dated 19.04.1994 (Ex.P-1). He also proved resolution No.5 dated 04.05.1994 (Ex.P-2) vide which appointment of appellant was approved by the committee. He also proved resolution No.4 dated 06.05.1996 (Ex.P-3) vide which the committee member had decided to regularize the services of the appellant keeping in view the appreciable work and conduct and the manager was authorized to take further action in that regard. The contention of the appellant in the civil suit was that Mohan Lal was junior to him and his services were regularized from the date of his appointment i.e. 09.12.1994 whereas, the appellant was appointed vide order dated 19.04.1994 and is senior to Mohan Lal but his services were not regularized by respondents, whereas, the committee vide its resolution No.4

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dated 06.05.1996 (Ex.P-3) had decided to regularize the services of appellant and manager was authorized to take further action. No such resolution was passed in favour of Mohan Lal by the committee despite the fact that the services of the appellant were not regularized, therefore, he was entitled for regularization of his services from the date of appointment since the services of similarly situated persons were already regularized by the respondents. The stand of the respondents was that appointment of appellant was initially bad in law since he did not fulfill the essential qualification required for the post, therefore, he is not entitled for regularization of post with effect from 19.04.1994.

10. It is admitted fact on record that appellant was appointed as Chowkidar vide order dated 19.04.1994 and his appointment was approved by Board of Directors vide resolution No.5 dated 04.05.1994. It is also admitted that Board of Directors had decided to regularize the services of the appellant in view of his appreciable work and conduct vide resolution No.4 dated 06.05.1996. And respondent No.2 sent the list of class IV employees of the bank in the office of Managing Director, Haryana, Chandigarh vide Ex.P-4.

11. As per Ex.DW-1/B, the personal files of the Peon of PARDB, who were appointed within the norms prescribed by the bank along with list showing the particulars i.e. serial number, name of peon in the bank, name of peon and address, date of birth, date of appointment, qualification, confirmed or not, remarks if any were demanded from the banks in Haryana State. Vide Ex.P-4, the list of employees were sent by respondent No.2 and name of appellant was mentioned at serial No.6. Further the sanctioned staff strength in the primary bank of respondents was 5 and the names mentioned

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in Ex.P-4 at serial No.1 to 5 were regularized. The names of peon were not mentioned in the list sent to M.D. Haryana, Chandigarh as per seniority. The appellant was senior to Mohan Lal, whose services were already regularized vide Ex.P-9. The only plea taken by respondent that appellant did not fulfill the essential qualification for the post of Chowkidar could not be proved by respondents by adducing cogent evidence i.e. by placing on record any document, which shows the essential qualification of the post of peon nor any condition was imposed by the respondents at the time of appointment of appellant as daily wager. The appellant was never asked to produce the qualification certificate, which was required for regularization of his post.

12. A further perusal of the record shows that it was decided by the Board of Director vide Ex.P-3 that services of appellant be regularized keeping in view the appreciable work and conduct subject to his submission of necessary documents like medical certificate from the competent authority, no such condition is imposed at the time of passing resolution No.4 dated 06.05.1996. Mohan Lal, who is junior to the appellant was regularized prior to the appellant and was drawing the benefits of regularized post since 09.12.1994. In the reply filed by respondents, they did not deny the fact that Mohan Lal was junior to the appellant but it was stated that appellant is 7th pass, whereas, Mohan Lal fulfilled the qualification and he is 9th pass, therefore, he was made senior to the appellant and his services were regularized.

13. The appellant was examined as PW-2. In his evidence, he deposed that he was 8th pass and Mohan Lal and Ajay Kumar, who were junior to him were made regular. And his regularization case was passed in the meeting of Board of Directors. The managing committee of bank also



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sent his case for regularization, which is part of record as Ex.P-2. In his cross-examination he also deposed that when he was employed on daily wages, at that time also he was 8th pass. Further that the certificate was given to the respondents. On the suggestions made by respondent in cross-examination, he stated that it is incorrect that he was engaged only for recovery season, but in act he was engaged on daily wages.

14. There are no rules or any document on record to show the requisite qualifications to be appointed/regularized as peon. Further the appellant was appointed in the year 1994 and the appointment was approved by Board of Directors. And the managing committee of the bank in a meeting held on 06.05.1996 resolved to regularize the services of the appellant as peon in the bank and his case was forwarded for regularization vide order dated 19.11.1999. At that point of time there is nothing on record to show that there was a demand of any certificate or document to prove that the appellant was 8th pass and further there is no rule or regulation to show the essential qualification to be 8th pass for the post of peon.

DECISION:

15. In view of the above, the present appeal is hereby allowed. Accordingly, the judgment and decree dated 22.02.2007 passed by Additional District Judge, Narnaul, is set aside. And the civil suit filed by the appellant is allowed.

16. Decree sheet be drawn.

November 07th, 2025

Ayub

(SUDEEPTI SHARMA)
JUDGE

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