



RSA-9722-2018 (O&M)

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

RSA-9722-2018 (O&M)

Reserved on : 15.09.2025

Pronounced on : 11.11.2025

Chief Administrator, Haryana State Agricultural Marketing Board and

another

.....Appellants

Vs.

Kailash Chand

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Padam Kant Dwivedi, Advocate, and
Ms. Ayushi, Advocate,
for the appellants.

Mr. Sandeep Kumar Yadav, Advocate,
for the respondent.

SUDEEPTI SHARMA J. (ORAL)

1. The present Regular Second Appeal is preferred against the judgment and decree dated 11.09.2013 passed by learned Civil Judge (Junior Division), Mohindergarh, whereby civil suit filed by the respondent was decreed in his favour, as well as the judgment and decree dated 18.11.2016 passed by learned Additional District Judge, Narnaul, whereby the appeal filed by the appellants was dismissed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that respondent was appointed as Peon on 06.09.1982 with the respondents and



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since then he was working as Peon. He completed his matriculation examination on 02.08.1987 and became eligible for promotion to the post of Auction Recorder. Vide order dated 24.12.1999, those employees, who had passed matriculation examination and completed one year of service, were promoted from 02.09.1986. However, the respondent was denied the said promotion, although, Class-IV employees were considered in seniority on the basis of date of appointment. Respondent filed many representations but received no reply. Therefore, he filed civil suit, which was decreed in his favour by the learned Civil Judge (Junior Division), Mohindergarh, vide its judgment and decree dated 11.09.2013. The appellants filed appeal against the said judgment and decree dated 11.09.2013, which was dismissed by the learned Additional District Judge, Narnaul, vide its judgment and decree dated 18.11.2016. Hence, the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. Learned counsel for the appellants contends that findings of both the Courts are against the facts and circumstances and evidence on record as well as without application of judicious mind. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondent submits that both the Courts have rightly decreed the civil suit filed by the respondent and dismissed the appeal filed by the appellants. Therefore, he prays that the present appeal be dismissed.



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

6. A perusal of the record shows that the Secretary, Market Committee, Kanina, was examined as DW1, who admitted the fact that vide common order dated 24.12.1999, respondent and Dashrath both were promoted, but Dashrath was given promotional benefits from 1986. It is further admitted that Dashrath was at Serial No.44 and respondent was at Serial No.19 in the seniority list and therefore, Dashrath was junior to the respondent, as per date of joining. He also admitted that respondent was fulfilling all the conditions required for promotion on 24.12.1999 and also intimated regarding his passing of matriculation in the year 1998. The documentary record shows that Dashrath joined the service after the respondent and was promoted, vide common order dated 24.12.1999. The service book of Dashrath (Ex.P3) contains categorical remarks that “Dashrath Singh, Auction Recorder, Market Committee, Kanina, promoted w.e.f. 02.09.1986, instead of 24.12.1999, when his junior was promoted, vide endorsement dated 13.09.2006. The arrears of pay shall be payable for 38 months prior to his representation. Hence, his basic pay was fixed as such, vide Memo dated 06.10.2006”.

7. A perusal of the above discussion shows that respondent cleared his matriculation examination on 02.08.1987 and therefore, he became eligible for promotion. Since the respondent and Dashrath (who was junior



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in length of service) were promoted by a common order, the respondent was also rightly held to be entitled to all the benefits from the said date, which were granted to Dashrath (junior).

8. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 11.09.2013 passed by learned Civil Judge (Junior Division), Mohindergarh, as well as the judgment and decree dated 18.11.2016 passed by learned Additional District Judge, Narnaul, and the same are hereby upheld.

9. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs.

10. Decree sheet be drawn.

11. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

11.11.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No