



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2469-1995 (O&M)

HARDIAL SINGH KHARIAL

..Appellant

Versus

STATE OF PUNJAB & ORS

..Respondents

Reserved on: 01.04.2026

Pronounced on : 20.04.2026

Uploaded on : 21.04.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Amit Sharma (Kanav), Advocate and
Mr. Deepankur Sharma, Advocate and
Mr. Jaskiran Kaur Basi, Advocate
for the appellant.

Mr. Ravneet Singh Joshi, DAG, Punjab.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 21.11.1987 passed by learned Sub-Judge, First Class, Chandigarh, whereby civil suit filed by the appellant was dismissed and judgment and decree dated 20.05.1995 passed by learned Additional District Judge, Chandigarh, whereby appeal filed by the appellant against judgment and decree dated 21.11.1987 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 ex-serviceman from Indian Air Force. In pursuance of the demand from the employment exchange, he appeared before the



respondents-Department Selection Committee and was selected as Assistant Divisional Manager by the respondents, where he worked for some time but his services were terminated vide order dated 04.08.1983. He filed civil suit challenging order of termination dated 04.08.1983 on the ground that Iqbal Singh, defendant No.3 in the civil suit, was junior to him in selection list prepared by the selection committee, had been retained in service, whereas, services of appellant were dispensed with. Further on the ground that he was appointed on ad hoc basis for six months or till the arrival of the candidate selected by Punjab Public Service Commission, but his services were terminated before that. Thirdly, on the ground that order of termination is mala fide. The civil suit filed by him was dismissed vide judgment and decree dated 21.11.1987 passed by learned Sub-Judge First Class, Chandigarh. He filed appeal against judgment and decree dated 21.11.1987, the same was also dismissed vide judgment and decree dated 20.05.1995 by learned Additional District Judge, Chandigarh. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellant contends that both the Courts have wrongly dismissed the civil suit as well as appeal filed by the appellant without appreciating the evidence on record.

4. He further contends that order of termination dated 04.08.1983 is stigmatic. He therefore prays that the present appeal be allowed.

5. Per contra, learned counsel for respondents contends that both the Courts after appreciating the evidence on record have rightly dismissed the civil suit as well as appeal filed by the appellant. 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. Admittedly, appellant was appointed vide appointment letter (Ex.P-1). A perusal of the same shows that he was appointed on ad hoc basis for a period of six months or till the candidates recommended by Punjab Public Service Commission joins, whichever is earlier. The period of his appointment was extended from time to time vide letters (Ex.D-2 and Ex.D-3). A perusal of Ex.D-3 shows that terms of appointment of appellant were extended up to 08.08.1983, whereas, his services were terminated vide Ex.P-5 dated 04.08.1983. A perusal of termination order shows that services of appellant were dispensed with immediate effect since the same was no longer required. A bare reading of termination order (Ex.P-5) shows that it is not at all stigmatic, therefore, the argument raised by learned counsel for the appellant to this effect is rejected.

8. Secondly, appointment letter of appellant shows that appellant was appointed on ad hoc basis for a period of six months or till the candidate recommended by Punjab Public Service Commission joins, whichever is earlier. But the services of the appellant were extended from time to time and last extension was granted vide Ex.D-3 upto 08.08.1983. The appellant was never regularized. Document Ex.D-5, which is copy of Government circular dated 18.01.1965 from the Chief Secretary of Government of Punjab, to all the Heads of Departments etc., is regarding the termination of employment of temporary Government servants and provision of notice, which reads as under:-



“Annexure I

Copy of Punjab Government Circular letter No.6772-10GS-64/1923, dated the 18th January, 1965 from the Chief Secretary to Government, Punjab to all Heads of Departments etc.

Subject: Termination of employment of temporary Government servants-provision of notice.

I am directed to invite a reference to Punjab Government letter No.8845-G-54/29154, dated the 19th October, 1954 on the subject noted above and to state that a number of references are being received from time to time from various Sub Judge Ist Class as to whether or not a provision in regard to one month's notice from either side, need be made in the terms of appointments made on ad hoe basis, for a specific period, on stop-gap arrangements. It has been decided by the Government that as the appointments, in such cases are made on purely temporary basis, no provision for one month's notice from the either side need be made in the terms of appointment of such a candidate. It should be indicated in such cases that the services of the officials(s) concerned would be liable to be terminated at any time without any prior notice.

2. The receipt of this letter may please be acknowledged.”

9. A perusal of the above referred to Ex.D-5 shows that there was no requirement of any notice to be given to the appellant before terminating his services. Further, so far as the contention regarding services of Iqbal Singh (respondent-defendant No.3) not been dispensed with is concerned, official of respondents-department who appeared as DW-1 deposed that Iqbal Singh (respondent-defendant No.3) was selected by Punjab Public



Service Commission as Traffic Manager. Therefore, there is no infirmity in termination order dated 04.08.1983 of appellant.

DECISION

10. In view of the above, I do not find any infirmity and illegality in judgment and decree dated 21.11.1987 passed by learned Sub-Judge, First Class, Chandigarh and judgment and decree dated 20.05.1995 passed by learned Additional District Judge, Chandigarh, the same are hereby affirmed.

11. Accordingly, the present appeal is **dismissed**. Parties are left to bear their own costs.

12. Decree sheet be drawn.

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

20.04.2026

Ayub/Sahil

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*