



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

RSA-1770-2000

Date of decision: 09.02.2026

Madan Lal

.....Appellant

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : None for the petitioner.

Mr. Priyavrat Parashar, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. The instant Regular Second Appeal has been directed against the judgment and decree dated 02.02.2000, passed by the learned Additional District Judge-I, Narnaul, whereby the judgment and decree dated 13.12.1993, passed by the learned Trial Court, has been reversed and the suit of the appellant/plaintiff has been dismissed.
2. Parties to the *lis* hereinafter shall be referred to by their original position before the learned Trial Court.
3. Briefly stated, the facts of the case are that the appellant/plaintiff was appointed as Chowkidar-cum-Mali-cum-Water Carrier by the Block Development and Panchayat Officer, Mohindergarh, vide order dated 20.05.1986 and his services were terminated, vide order dated 29.09.1988. Aggrieved thereby, the appellant/plaintiff approached this Court by filing CWP No.9156 of 1988 titled as Madan Lal v. State of Haryana and others, claiming

regularisation of his services and the said petition was disposed of by this Court, vide order dated 01.11.1988 in terms of the judgment rendered in ***CWP No.72 of 1988 titled as 'Piara Singh v. State of Haryana', decided on 26.09.1988***. Pursuant to the abovesaid order, the appellant/plaintiff approached the respondents/defendants for reinstatement in the service. However, the authorities did not allow him to resume duty. Aggrieved thereby, the appellant/plaintiff filed a civil suit on 10.11.1990 for declaration along with consequential relief of mandatory injunction. It was alleged in the suit that his services have wrongly been terminated without issuing any notice to him and without affording any opportunity of being heard. Thereafter, the defendants filed a joint written statement, wherein it was stated that services of the appellant/plaintiff were purely temporary and he was being paid salary from the contingency allotment. The contingency allotment and staff are like daily labour and they can be removed at any time without assigning any reason. Thus, the appellant/plaintiff was not entitled to regularisation of his services and his services were legally and validly terminated with effect from 29.09.1988.

4. The suit filed by the appellant/plaintiff was decreed by learned Trial Court, vide judgment dated 13.12.1993 primarily on the grounds that the termination of the appellant/plaintiff was punitive in nature and not a simpliciter discharge. It was observed by the Court that the services of the appellant/plaintiff were terminated on the alleged ground of unsatisfactory work, which amounted to a stigma, particularly when the appellant/plaintiff had already completed more than one year and 11 months of service and had sought regularisation. It

was held that the termination was prompted by irritation on the part of the defendants due to the said request, and this conclusion is further supported by the commendation letter dated 04.04.1988 issued by defendant No.4, certifying the appellant/plaintiff's work and conduct as commendable. The said finding recorded by the learned Trial Court has been reversed by the learned First Appellate Court, vide its judgment dated 02.02.2000, by recording that the judgment in the case of ***Piara Singh's case (supra)*** which was relied upon by the learned Trial Court, while granting relief to the plaintiff, has been reversed by the Hon'ble Supreme Court, vide its judgment dated 12.08.1992 and the same is reported as ***State of Haryana v. Piara Singh : 1992(3) SCT 201***. Aggrieved against the said judgment, the instant Regular Second Appeal has been preferred by the appellant/plaintiff.

5. Learned State counsel has submitted that the services of the appellant/plaintiff were engaged purely on a temporary basis and his wages were paid out of contingency allotment. It is submitted that such engagement of contingency staff was in the nature of daily labour which does not confer any right to hold the post or to claim continuity of service. The services of contingency paid or daily wage employee can be dispensed with at any time without assigning any reason. Therefore, there is nothing wrong in the termination of the services of the appellant/plaintiff as it is legal, valid and in accordance with law and calls for no interference by this Hon'ble Court.

6. I have heard learned counsel for the State and perused the record.

7. Admittedly, the appellant/plaintiff initially joined on

20.05.1986 as Chowkidar-cum-Mali-cum-Water Carrier. The appointment of the appellant/plaintiff was purely temporary and he was being paid his salary from the contingency allotment. As per the stand taken by the department, the contingency allotment staff are like daily labour and can be removed at any time without assigning any reason. Since the appellant/plaintiff was a temporary/daily rated employee and had served only for a period of 01 year and 11 months and his services were terminated on account of unsatisfactory work, there is nothing illegal or improper in the termination of the services of the appellant/plaintiff. So far as the writ petition filed by the appellant/plaintiff before this Court claiming regularisation in terms of ***Piara Singh's case (supra)*** is concerned, it may be noticed that the services of the appellant/plaintiff were terminated on 29.09.1988 and he filed the writ petition in the month of November, 1988. Once his services were terminated, there was no question of regularisation. Even otherwise, the judgment in the case of ***Piara Singh's case (supra)*** on the basis of which his writ petition was disposed of, has already been reversed by the Hon'ble Supreme Court.

8. It is a settled proposition of law the adhoc/temporary/daily rated employee has no right to be made permanent and his services can be terminated on account of unsatisfactory work. The appellant/plaintiff, having been appointed purely on temporary basis and having rendered service for a short duration, did not acquire any vested right to continue in service or to seek regularisation. The termination of his service on account of unsatisfactory work cannot be faulted with. Therefore, finding no perversity, illegality or infirmity in

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the judgment/decreed passed by the learned First Appellate Court, the instant Regular Second Appeal is hereby dismissed with no order as to costs.

09.02.2026(NAMIT KUMAR)JUDGE

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No