

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2279-2006 (O&M)

STATE OF HARYANA & ORS.

..Appellants

Versus

PARKASH CHAND

..Respondent

Reserved on: 11.02.2026
Pronounced on : 18.03.2026
Uploaded on : 18.03.2026

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. Harish Nain, AAG, Haryana.

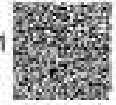
Mr. Hitesh Verma, Advocate
for respondent.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred by the appellants-State of Haryana against judgment and decree dated 30.04.2005, passed by learned Civil Judge (Junior Division), Gurgaon and judgment and decree dated 27.09.2005 passed by learned District Judge, Gurgaon, whereby, the civil suit filed by the respondent was decreed in his favour and appeal filed by the appellants-State was dismissed, respectively.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that respondent was appointed on 10.07.1975 as Conductor. His services were terminated with effect from 10.11.1983. The termination order was set aside by Labour Court vide order dated 23.01.1998 and respondent was held

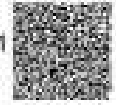


entitled to reinstatement with continuity of service and period from 10.11.1983 to 09.04.1987 was treated as leave without pay. In view of the award dated 23.01.1998, respondent was taken back on duty and was also paid backwages as per the award of Labour Court but the appellants failed to give continuity of services from 10.07.1975 till date and further failed to give the standard scale to the respondent, which was due on 10.07.1985 after completing 10 years of continuous service and further standard scale, which was due on 10.07.1995 after completing 20 years of continuous service. The respondent represented the appellants but did not get any response. He, therefore, filed civil suit for his entitlement to standard scale firstly on completion of 10 years of service on 10.07.1985 and thereafter after completion of 20 years of service on 10.07.1995 with the appellants. The civil suit filed by him was decreed in his favour vide judgment and decree dated 30.04.2005 passed by learned Civil Judge (Junior Division), Gurgaon. The appellants-State filed appeal against judgment and decree dated 30.04.2005, which was dismissed vide judgment and decree dated 27.09.2005 passed by learned District Judge, Gurgaon. Hence, the present Regular Second Appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANTS:-

3. Learned counsel for the appellants contends that both the Courts have wrongly decreed the civil suit filed by the respondent and dismissed the appeal filed by the appellants-State.

4. He further contends that both the Courts have misread and misinterpreted the oral as well as documentary evidence on record. He, therefore, prays that the present appeal be allowed.

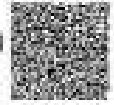


5. Per contra, learned counsel for respondent contends that both the Courts have rightly decreed the civil suit in favour of the respondent and dismissed the appeal filed by the appellants-State. He, therefore, prays that the present appeal be also dismissed.

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

7. Admittedly, the respondent was appointed on 10.07.1975 as Conductor. His services were terminated by the appellants on 10.11.1983. He challenged his termination order before Industrial Tribunal-cum-Labour Court. Learned Labour Court vide order dated 23.01.1998 directed the appellants to reinstate the respondent with continuity of service and his period from 10.11.1983 to 09.04.1987 was held to be treated as leave without pay. The civil suit was filed by the respondent for grant of first standard scale with effect from 10.07.1985 after completion of 10 years of continuous service and second standard scale with effect from 10.07.1995 after completion of 20 years of continuous service. As per the government instructions, an employee is entitled for first standard scale on completion of 10 years of continuous and satisfactory service and second standard scale on completion of 20 years of continuous and satisfactory service. There is no dispute regarding joining of service by the respondent on 10.07.1975. Although, he was dismissed from service on 10.11.1983 but he was reinstated with continuity in service and period from 10.11.1983 to 09.04.1987 was treated as leave without pay.

8. A perusal of award of learned Labour Court dated 23.01.1998 shows that respondent was held entitled to reinstatement with continuity of service and period from 10.11.1983 to 09.04.1987 was held to be treated on



duty and it was directed that the same period should be considered for granting of benefits of standard scale and increments.

9. A perusal of record further shows that the appellants-State never challenged the Labour Court award, which amounts to its acceptance by the appellants.

DECISION

10. In view of the above, I do not find any infirmity and illegality in judgment and decree dated 30.04.2005, passed by learned Civil Judge (Junior Division), Gurgaon and judgment and decree dated 27.09.2005 passed by learned District Judge, Gurgaon, 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.

18.03.2026

Ayub/Sahil

**(SUDEEPTI SHARMA)
JUDGE**

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