



RSA-2363-2006 (O&M)

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

RSA-2363-2006 (O&M)

Sehdev Kumar Yadav

...Appellant

Versus

Registrar Co-op Societies and ors.

...Respondents

Reserved on: 29.04.2026

Pronounced on: 30.04.2026

Uploaded on: 04.05.2026

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. Rakesh Nagpal, Advocate
for the appellant.

Mr. B.S. Mittal, Advocate
for the respondents.

* * * * *

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 16.03.2004 passed by learned Civil Judge (Jr. Division), Sirsa, as well as judgment and decree dated 24.01.2006 passed by learned Additional District Judge, Sirsa, whereby, civil suit filed by the appellant was dismissed and the appeal filed against the same was also dismissed respectively.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per civil suit are that appellant was appointed as a Extension and Milk Procurement Assistant (EMPA), vide order dated 31.05.1977 and joined as such on 07.06.1977 at Rohtak. The

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husband of respondent No. 4 was appointed as Dairy man on 26.12.1977 and was thereafter promoted as DEW and further as EMPA on 07.12.1978. The husband of respondent No. 4 was alleged to be junior to the appellant. The appellant was then transferred from respondent No. 3 to Milk Union, Mahendergarh vide order dated 12.12.1983 and joined as such. From Milk Union, Mahendergarh, the appellant was transferred to Milk Union, Sirsa on deputation vide order dated 25.04.1984. Subsequently, vide order dated 20.02.1991, the appellant was absorbed with respondent No. 2. At the time of absorption, the appellant prayed for his seniority since appointed on 31.05.1977 and joined on 07.06.1977. The seniority list of officials of cadre of EMPA was published in which appellant was shown junior to husband of respondent No. 4 and some other persons. The appellant made representation but the same was pending. Thereafter, he filed civil suit and sought the decree for declaration to the effect that he is entitled to be considered for promotion to the post of Assistant Milk Procurement Officer (AMPO) w.e.f 02.06.1997, the date from which husband of respondent No. 4 was promoted as such and challenged the seniority of husband of respondent No. 4 as AMPO and for release of consequential benefits. The civil suit filed by the appellant was dismissed, vide judgment and decree dated 16.03.2004 passed by learned Civil Judge (Jr. Division), Sirsa and the appeal filed by the appellant against the same was also dismissed, vide judgment and decree dated 24.01.2006 passed by learned Additional District Judge, Sirsa. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that both the Courts did not appreciate the evidence on record and misread the oral as well as documentary evidence available on record while dismissing the civil suit as



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well as appeal filed by the appellant. He, therefore, prays that the present appeal be allowed and judgment and decree dated 16.03.2004 passed by learned Civil Judge (Jr. Division), Sirsa and judgment and decree dated 24.01.2006 passed by learned Additional District Judge, Sirsa, be set aside.

4. Learned counsel for the appellant has relied upon judgment of this Court passed in a case of ***Des Raj vs. State of Punjab, 1997 (2) SCT 118.***

5. Per contra, learned counsels for the respondents contends that both the Courts have rightly appreciated the evidence on record while dismissing the civil suit and the appeal filed by the appellant. He, therefore, prays that the present regular second appeal be dismissed.

6. Learned counsel for the respondents has relied upon judgments of Hon'ble the Supreme Court passed in cases titled as ***State of Maharashtra vs. Purshotam and others, 1997 (2) 343, Mrigank Johri and others vs. Union of India and others, 2017 (3) SCT 724 and Shri Govind Chandra Tiria vs. Sibaji Charan Panda and others, 2020 (3) SCC 803.***

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

ANALYSIS OF THE RECORD

8. A perusal of the record shows that admittedly, the appellant was absorbed in Milk Union Sirsa on 20.02.1991 whereas husband of respondent No. 4 was working in Milk Union, Sirsa from the date of his appointment as Dairy Man, as per seniority of husband of respondent No. 4 in the seniority list (Ex D9) which was never challenged by the appellant. The appellant has been shown at Sr. No. 19 in the seniority list Ex D9 whereas husband of respondent No. 4 is shown at Sr. No. 2. As per Rule 17-1 of Haryana Dairy



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Cooperative's State Service Rules 1988, the length of service for the purpose of fixation of seniority shall be reckoned from the date of issue of orders making appointment to the post, therefore, the appellant could not be placed over and above husband of respondent No. 4 who was already working in the cadre of Milk Union, Sirsa after absorption in the said cadre.

9. Now coming to the judgment cited by learned counsel for the appellant, the same is not applicable to the facts of the present case.

10. With respect to judgments referred to by learned counsel for the respondent, the same fully supports the case of the respondents.

11. In view of the above, I do not find any infirmity in the impugned judgment and decree dated 16.03.2004 passed by learned Civil Judge (Jr. Division), Sirsa, as well as judgment and decree dated 24.01.2006 passed by learned Additional District Judge, Sirsa. The same are upheld.

12. Accordingly, the present regular second appeal is ***dismissed***.

13. Learned counsel for the parties have further informed the Court that both appellant and husband of respondent No. 4 retired from service long time ago and further husband of respondent No. 4 expired as well.

14. Decree sheet be prepared accordingly.

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

30.04.2026

Gaurav Arora

**(SUDEEPTI SHARMA)
JUDGE**

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