



RSA-3536-2006 (O&M)

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

RSA-3536-2006 (O&M)

SUA LAL

..Appellant

Versus

Ch. Charan Singh Haryana Agricultural University, Hisar and ors.

..Respondents

Reserved on: 25.03.2026

Pronounced on: 21.04.2026

Uploaded on: 24.04.2026

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. Anurag Jain, Mr. Aamol Singh and
 Ms. Chahat, Advocates
 for the appellant.

Mr. Surinder Singh and Mr. Deep Inder Singh Walia, Advocates
 for the respondents.

* * * * *

SUDEEPTI SHARMA, J. (Oral)

1. The present appeal is preferred against judgment and decree dated 09.06.2005 passed by learned Civil Judge (Jr. Division), Hisar, as well as judgment and decree dated 21.03.2006 passed by learned Additional District Judge, Hisar, whereby, civil suit as well as appeal filed by the appellant was dismissed respectively.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per civil suit are that the appellant was working as Mason at National Bio Gas Project Development and Training Centre College of Agriculture Engineering and Technology, CCS, HAU, Hisar, vide order dated 05.03.1997. The services of the appellant were

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regularized on the posts of DPL Mason in the scale of 750-940 + 30 as special pay allowances w.e.f 01.02.1996, whereas in the same University, other Masons i.e counter parts of appellant were granted scale of Rs.1200–2040/4000-6000 (revised) and they also possessed the same qualification as that of appellant w.e.f 01.01.1997. But the appellant was not given the grade of Rs.1200–2040/4000-6000 (revised) rather was given scale of Rs.750-940, vide order dated 09.03.1997. The appellant was designated as Mason which is evident from order dated 05.03.1997 itself. He requested the respondents through representations but they refused to accept the same. Therefore, he filed civil suit for grant of scale of Rs.1200–2040/4000-6000 (revised) at par with his counter parts but the same was dismissed, vide judgment and decree dated 09.06.2005 passed by learned Civil Judge (Jr. Division), Hisar and the appeal filed against the same was also dismissed, vide judgment and decree dated 21.03.2006 passed by learned Additional District Judge, Hisar. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that both the Courts failed to appreciate the very fact that regularization order of the appellant shows that he was regularized as DPL on the post of Mason and once he was regularised on the post of Mason and was discharging the duties of Mason, therefore, he is entitled to pay and scale which is granted to his counter parts who are doing the job of Mason.

4. He further contends that in the terms and conditions of regularisation order, there is a specific clause 'B' that the appellant can be transferred against any other post without affecting the emoluments at any time, as and when it is considered necessary by the competent authority.



Further that it will be open to the University to depute them to work elsewhere for specific purpose and once this is in the clause, therefore, working of offer given by the University to the appellant to work initially on the post of Animal attendant and thereafter on the post of Hammerman in no manner, would change his designation of appointment on the post of Mason. And he would be thus entitled for the same emoluments which a regular mason is getting.

5. Learned counsel for the appellant further contends that both the Courts erred in law in ignoring the fact that equality before law and equal pay for equal work are not only fundamental rights of citizen but are also part of directive principle of State Policy. Further that the case of the appellant is squarely covered by Civil Court judgment which is placed on record by both the Courts as Ex P1. He, therefore, prays that the present appeal be allowed and judgment and decree dated 09.06.2005 passed by learned Civil Judge (Jr. Division), Hisar, as well as judgment and decree dated 21.03.2006 passed by learned Additional District Judge, Hisar be set aside.

6. Per contra, learned counsel for respondents contends that there are concurrent findings against the appellant and both the Courts have rightly appreciated the evidence on record. He, therefore, prays that the present regular second appeal be dismissed.

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



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ANALYSIS OF THE RECORD

8. A perusal of the record shows that admittedly, appellant was working as Mason in the College of Agriculture Engineering and Technology CCS, HAU Hisar and his services were regularized on 05.03.1997 on the post of DPL (R) Mason and he was appointed as DPL (Regularized) in the scale of Rs.750-940+30 as Special Pay allowances w.e.f 01.02.1996. His counter parts were granted the scale of Rs.1200–2040/4000-6000 (revised) and they also were having the same qualification as of the appellant. A perusal of the order dated 05.03.1997 whereby services of the appellant were regularized shows that the appellant is at Sr.No. 48 and as per condition No. 2 of the above referred to order dated 05.03.1997, the persons regularized shall be liable to be transferred against any other post/work without effecting their emoluments at any time as and when it is considered necessary by the competent authority. Further that it will also be open to the university to depute them to work elsewhere for specific periods.

9. A perusal of the record further shows that as per the above referred to condition No. 2 mentioned in the order dated 05.03.1997, appellant was posted as Animal Attendant in the department of Animal Breeding and kept on requesting the respondents for his adjustment against the post of Mason. Thereafter, he was posted as Hammerman in place of Animal Attendant on his request. His adjustment to different posts as per order of regularization would not change his salary.

10. S.N.Madan, Assistant Officer of Farm Power Machinery, HAU, Hisar was examined as DW1 and in his cross examination, he admitted that the appellant was appointed as Regular Mason w.e.f 01.02.1996 and he was

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regularized. Further, he admitted that his scale was 750-940 and scale of Mason was 1200–2040/4000-6000 (revised). Further that the appellant was working as regular mason in Bio Gas. He admitted that he was regularized as DPL (R) Mason. Further a perusal of the record shows that similarly situated Masons filed Civil Suit No. 87/1996, which was decreed in their favour, vide judgment and decree dated 09.02.2001 passed by learned Civil Judge (Jr. Divn.), Hisar. This judgment and decree has attained finality till this Court in RSA No. 2584-2001, decided on 29.01.2002 in favour of similarly situated persons.

11. Since the appellant was posted and regularized on the post of Mason and similarly situated persons were granted the pay scale of 1200–2040/4000-6000 (revised) and RSA preferred by the State bearing RSA No. 2584-2001 was dismissed, therefore, judgment and decree dated 09.06.2005 passed by learned Civil Judge (Jr. Division), Hisar, as well as judgment and decree dated 21.03.2006 passed by learned Additional District Judge, Hisar are set aside. The civil suit filed by the appellant is decreed in his favour and he is held entitled to pay scale of 1200–2040/4000-6000 (revised) from the date the similarly situated persons are getting

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

13. Since the present regular second appeal pertains to the year 2006 and the appellant filed the civil suit in the year 2002 and waiting for the decision till date, therefore, the respondents are directed not to force the appellant to file execution. Learned counsel for the appellant has further informed the Court that the appellant has retired from service.

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14. In view of the above, the respondents are directed to calculate the arrears as per scale of 1200–2040/4000-6000 (revised) from the date it is due and calculate the retiral benefits accordingly. The respondents are further directed to pay the arrears of salary and retiral benefits as per new calculation along with interest @ 7 percent per annum. This exercise shall be completed within a period of four months from the date of passing of this judgment.

15. Decree sheet be prepared accordingly.

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

21.04.2026*Gaurav Arora***(SUDEEPTI SHARMA)
JUDGE**

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