

RSA-2113-2009 (O&M)

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

RSA-2113-2009 (O&M)

KRISHAN KUMAR**.....Appellant****Vs.****HARYANA STATE COOP. SUPPLY & MKTG. GED. LTD. & ANR****.....Respondents****Reserved on : 02.04.2026****Pronounced on: 21.04.2026****Uploaded on: 22.04.2026**

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. Anil Ghanghas, Advocate
 for the appellant.

 Mr. Ravinder Malik, Advocate
 for the respondents.

SUDEEPTI SHARMA J.

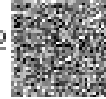
1. The present regular second appeal is filed against judgment and decree dated 06.05.2008 passed by learned Civil Judge (Jr. Division), Hisar and judgment and decree dated 06.12.2008 passed by learned Additional District Judge, Hisar, whereby, civil suit as well as appeal filed by the appellant were dismissed.

2. Brief facts of the case as per the civil suit are that appellant was employed as DPL Watchman/peon in the office of respondents with effect from 01.07.1986. His work and conduct remained satisfactory. On 31.11.1987, he was dismissed from his services without any show cause notice or damages etc. He challenged the said order before labour Commissioner, Hisar who referred the matter to Labour Court, Hisar. Later

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on compromise arrived at between the parties and respondents had given an undertaking before Labour Court that services of appellant would be regularized and he would be reinstated in his service with effect from 01.07.1986. He was reinstated on 10.06.1990 without break and was regularized with effect from 01.04.1993, whereas, he was entitled for regularization of his services with effect from 01.07.1986. Appellant asked for seniority as well as for damages but the same was not released. It was disclosed to the appellant that his seniority was considered with effect from 01.04.1993 only, the date from when his services had been regularized, whereas, appellant was entitled for his seniority etc. w.e.f. 01.07.1986. He represented before the respondent but his representations were not decided. Therefore, he filed civil suit before learned Civil Judge (Jr. Division), Hisar which was dismissed vide judgment and decree dated 06.05.2008. He filed appeal against judgment and decree dated 06.05.2008 which was also dismissed by learned Additional District Judge, Hisar vide judgment and decree dated 06.12.2008. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that both the courts have erred in dismissing the civil suit as well as appeal filed by the appellant. He further contends that both the courts did not appreciate the evidence on record (oral as well as documentary) while dismissing the civil suit as well as appeal filed by the appellant. He further contends that first appellate court has wrongly taken the date of cause of action as 28.07.1993 whereas, tentative seniority list was circulated in the year 2006 and thereafter, the civil suit was filed in the year 2006 itself. Therefore, the suit is not time barred. He, therefore, prays that the present appeal be allowed.

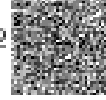


4. *Per contra*, learned counsel for the respondents contends that both the courts have rightly appreciated the evidence on record and dismissed the civil suit as well as the appeal filed by the appellant. He, therefore, prays that the present regular second appeal be dismissed.

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

6. A perusal of the record shows that Ex.D-1 is the order vide which appellant was regularized w.e.f. 27.07.1993. This order was never challenged by the appellant. Therefore, the appellant could not at the later stage in the civil suit ask for relief for regularisation of his services w.e.f. 01.07.1986. There is nothing on record to show that appellant was regularized w.e.f. 01.07.1986. Even Labour Court never directed the respondent to regularize the services of appellant w.e.f. 01.07.1986. In the relief claimed in demand notice also, regularization of services of appellant w.e.f. 01.07.1986 was never sought and mere request was that his services be reinstated without any break. Admittedly, appellant was reinstated in service without any break but without any statement made by the respondents he cannot ask the respondents to regularize his services w.e.f. 01.07.1986 on the basis of his statement only before the Labour Court. His services were regularized w.e.f. 27.07.1993 as per Ex.D-1. He remained silent till 2006 when the civil suit was filed and he did not even challenge Ex.D-1 vide which his services regularized w.e.f. 27.07.1993. He challenged the order in the year 2006 by filing civil suit. There is nothing on record to show that appellant was regularized w.e.f. 01.07.1986.

7. A perusal of the record further shows that vide Ex.D-1 services



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of appellant were regularized w.e.f. 01.04.1993 and Ex.D-2 is his joining. And order dated 28.07.1993 (Ex.D-1) regularizing the services of appellant w.e.f. 01.04.1993 was very much in the knowledge of the appellant but still he did not file the civil suit within three years which is the limitation prescribed for filing civil suit.

8. In view of the above, I do not find any infirmity in judgment and decree dated 06.05.2008 passed by learned Civil Judge (Jr. Division), Hisar and judgment and decree dated 06.12.2008 passed by learned Additional District Judge, Hisar and the same are upheld.

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

10. Decree sheet be prepared accordingly.

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

21.04.2026

(SUDEEPTI SHARMA)

JUDGE

Saahil/Ayub

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