



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

RSA-868-1997 (O&M)

GURMAIL SINGH

.....Appellant

Vs.

P.S.E.B. AND ORS.

.....Respondents

Reserved on : 12.05.2026

Pronounced on: 14.05.2026

Uploaded on: 19.05.2026

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. Harinder Sharma, Advocate
for the appellant.

Mr. Nikhil Vats, Advocate
for respondents.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 21.07.1995 passed by Additional Senior Sub-Judge, Moga as well as judgment and decree dated 18.09.1996 passed by learned Additional Judge, Faridkot, whereby, civil suit as well as the appeal filed by the appellant was dismissed.

2. Brief facts of the case as per the civil suit are that appellant was working as *ad hoc* Bill Distributor in North Sub Division, Punjab State Electricity Board (PSEB), Moga at the time of filing of civil suit. He initially joined Punjab State Electricity Board (PSEB) as daily wage worker and completed 240 days in service on 29.02.1988. Superintending Engineer/ respondent No.2 issued a letter dated 28.04.1988 directing therein that those daily wage workers who completed more than 240 days service be appointed as



Bill Distributor on *ad hoc* basis and on completion of one year satisfactory service, the concerned Bill Distributor be regularized and vide this circular letter appellant was appointed as Bill Distributor. An offer of appointment vide memo dated 05.05.1988 was issued to appellant. Thereafter, after completing all the requisite formalities appellant joined as *ad hoc* Bill Distributor on 20.05.1988. And since then he was working as such. That at the same time under the direction of Superintending Engineer/respondent No.2 the entire divisions falling under respondent No.2 also made some appointments of similarly situated persons as *ad hoc* Bill Distributor and accordingly the service of these new incumbents were regularized. Appellant made many verbal and written requests for regularization but in vain. He, therefore, filed civil suit which was dismissed by learned Additional Senior Sub Judge, Moga vide judgment and decree dated 21.07.1995. He filed appeal against the same which was also dismissed by learned Additional District Judge, Faridkot vide judgment and decree dated 18.09.1996. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that the appellant was regularized on 01.02.1996 and further promoted on 03.08.2011 but as per the policy he should have been regularized from 20.05.1989. He, therefore, prays that the present appeal be allowed.

4. *Per contra*, learned counsel for 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 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 in the written statement the stand of the respondents was that the appellant could not be regularized since neither he was neither sponsored by employment exchange nor he was appointed in pursuance of qualification calling for applications. No vacancy was available. According to the policy instructions contained in the affidavit of Under Secretary to Government of Punjab, Department of Personnel, the services of those ad hoc employees who completed minimum of two years service as on 31.12.1990 were liable to be regularized, provided they fulfill the conditions of eligibility as prescribed i.e. they have been recruited through employment exchange or by open advertisement, academic qualification, experience and the condition of age at the time of their first/ad hoc/temporary appointment in accordance with departmental service rules and instructions issued by the Government, that the record of service is satisfactory, they have been found medically fit for entry into Government service, their character and antecedents have been duly verified and found suitable for Government service and a regular post/vacancy is available for regularization and they have been found fit for regularization by Departmental Selection Committee constituted in accordance with instructions contained in Government circular dated 15.04.1986.

7. No doubt ad hoc services of certain employees were regularized at Faridkot but appellant was working at Moga. Appellant was examined as PW-1 and in his cross-examination he himself stated that in Sub-Urban Division no ad hoc employee was regularized. Therefore, it is quite possible that at Faridkot regular vacancies might have been available for regularizing the ad hoc employees whereas, appellant failed to prove if any regular vacancy was available in Sub-Urban Division, Moga, against which his services could be



regularized.

8. Further, though appellant completed two years of *ad hoc* service as on 31.12.1990 but he failed to prove if any regular post/vacancy was available for regularization, if he was recruited through employment exchange or by open advertisement at the time of his first appointment in accordance with departmental service rules and instructions. Since appellant was not working against regular post and there was no vacancy therefore, both the Courts have rightly dismissed the civil suit as well as appeal filed by the appellant.

9. In view of the above, I do not find any infirmity in judgment and decree dated 21.07.1995 passed by Additional Senior Sub-Judge, Moga as well as judgment and decree dated 18.09.1996 passed by learned Additional Judge, Faridkot and the same are hereby upheld.

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

11. Decree sheet be prepared accordingly.

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

14.05.2026

Saahil/Ayub

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

(SUDEEPTI SHARMA)
JUDGE