



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2862-2008 (O&M)

UMED SINGH

..Appellant

Versus

STATE OF HARYANA AND ANR.

..Respondents

Reserved on: 02.04.2026

Pronounced on : 10.04.2026

Uploaded on : 10.04.2026

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. Ajay Kumar Yadav, Advocate
for Mr. R.N. Lohan, Advocate
for the appellant.

Mr. Harish Nain, AAG, Haryana
for the respondents.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is filed against judgment and decree dated 23.12.2006 passed by Additional Civil Judge (Senior Division), Jind and judgment and decree dated 06.05.2008 passed by Additional District Judge, Jind, whereby, civil suit as well as appeal filed by the appellant were dismissed, respectively.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that appellant was appointed as driver and he joined his duty on 03.03.1970. In the year 1989, while he was performing his duties as a driver, he met with



an accident which caused fracture in his right leg. He remained admitted in PGI, Rohtak for medical treatment and was discharged on 18.09.1989. He was declared medically unfit to perform the duty of the driver. Consequently, he was compulsorily retired by passing order dated 26.11.1992. He challenged the said order dated 26.11.1992 by filing CWP-14113-2000 before this Court and the same was disposed of on 13.10.2000 with the direction to the respondents to decide the legal notice attached with the writ petition by passing a speaking order. In terms of the directions passed by this Court, appellant was offered job for the post of chowkidar vide order dated 03.04.2001 (Ex.PW1/C). The appellant filed civil suit challenging order dated 03.04.2001 on the ground that he should have been offered an alternate job equivalent to the status and salary of driver since he became medically unfit during the course of his official duty. The civil suit filed by him was dismissed by learned Additional Civil Judge (Senior Division), Jind vide its judgment and decree dated 23.12.2006. He, thereafter, filed appeal against judgment and decree dated 23.12.2006, which was dismissed by learned Additional District Judge, Jind vide its judgment and decree dated 06.05.2008. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellant contends that both the Courts did not appreciate the very fact that appellant met with an accident while on official duty because of which he was declared medically unfit for performing the duty of driver and he should have been offered post/job of equal status as well as salary of post of driver. He, therefore, prays that the present appeal be allowed.



4. Per contra learned counsel for respondents-State contends that both the Courts have rightly dismissed the civil suit as well as appeal filed by the appellant. He, therefore, prays that the present appeal be dismissed.

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

6. A perusal of the record shows that admittedly the appellant was compulsorily retired from service on 26.11.1992 since he became medically unfit to drive a heavy vehicle and at that point of time, no alternate job was available with the respondents. Appellant received compensation for the same which he himself admitted in his cross-examination when he was examined as PW-1. He never challenged order dated 26.11.1992, whereby, he was compulsorily retired. Thereafter, he filed a writ petition i.e. CWP-14113-2000, which was disposed of with the direction to the respondents to decide his legal notice. In a decision of legal notice, he was offered job for the post of chowkidar/gunman vide order dated 03.04.2001 (Ex.PW1/C). This job was duly accepted by the appellant.

7. A perusal of the record further shows that appellant himself submitted an application dated 08.03.2001 (Ex.D-7) before the respondents to get the appointment on the post of chowkidar/gunman. After considering his application (Ex.D-7) he was given job of chowkidar. There is nothing on record to show that respondents were bound to give him an alternate job equivalent to the status as well as salary of the post of driver. Further that the same post was available with the respondents at the time of passing of order dated 03.04.2001 (Ex.PW1/C).

**DECISION**

8. In view of the above I do not find any infirmity and illegality in judgment and decree dated 23.12.2006 passed by Additional Civil Judge (Senior Division), Jind and judgment and decree dated 06.05.2008 passed by Additional District Judge, Jind, the same are hereby affirmed.

9. Accordingly, the present appeal is **dismissed**. Parties are left to bear their own costs.

10. Decree sheet be drawn.

11. Pending miscellaneous applications, if any, are also disposed of.

10.04.2026*Ayub/Sahil***(SUDEEPTI SHARMA)
JUDGE**

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