



RSA-5086-2011 (O&M)

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

RSA-5086-2011 (O&M)

Surjan Singh

..Appellant

Versus

State of Haryana and others

..Respondents

Reserved on: 08.04.2026

Pronounced on: 24.04.2026

Uploaded on: 28.04.2026

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. Ishan Cooner, Advocate for
 Mr. J.S. Cooner, Advocates
 for the appellant.

Mr. Harish Nain, A.A.G. Haryana

* * * * *

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 23.05.2009 passed by learned Addl. Civil Judge, Kurukshetra, as well as judgment and decree dated 29.09.2011 passed by learned District Judge, Kurukshetra, 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 are that appellant filed civil suit seeking regularization of his service by challenging order dated 05.02.2004 whereby his representation for regularization of his service, was rejected. The representation was decided by the respondents, since the appellant filed civil writ petition, which was decided on 29.08.2003 with the directions to the



respondents to decide the representation filed by the appellant. The civil suit filed by the appellant was dismissed, vide judgment and decree dated 23.05.2009 passed by learned Addl. Civil Judge, Kurukshetra. Thereafter, he preferred appeal against the same, which was also dismissed, vide judgment and decree dated 29.09.2011 passed by learned District Judge, Kurukshetra.

ARGUMENTS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant contends that both the Courts without appreciating the facts and the evidence on record (oral as well as documentary), dismissed the civil suit filed by the appellant. He, therefore, prays that the present appeal be allowed and judgment and decree dated 23.05.2009 passed by learned Addl. Civil Judge, Kurukshetra, as well as judgment and decree dated 29.09.2011 passed by learned District Judge, Kurukshetra, be set aside.

4. Per contra, learned counsel for respondents contends that both the Courts have rightly appreciated the evidence on record while dismissing the civil suit as well as appeal filed by the appellants. 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 the case with their able assistance.

ANALYSIS OF THE RECORD

6. A perusal of the record shows that the appellant represented the respondents for regularization of his service as per Haryana Government policies dated 1993, 1996 and 2003 in the light of the judgment of Hon'ble the Supreme Court dated 10.04.2006. The Haryana Government withdrew all the policies which were framed for the purpose of regularization on

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ad hoc/daily wages/casual employees, vide notification dated 13.04.2007. The Haryana Government had framed policy dated 27.05.1993 for the purpose of regularization of service as per which service of those daily wagers who completed 05 years of service on 31.03.1993 and were in service on 31.03.1993 were to be regularized. This policy was amended as per which service of only those daily wager employees could be regularized who completed 05 years of service on 31.03.1993 and worked for 240 days in each calender year and break should not be more than 30 days at a stretch. Another policy was framed on 07.03.1996 for the purpose of regularization of daily wagers employees as per which daily wager employees who completed 05 years of service on 31.01.1996 and were in service on that date and worked for minimum 240 days in every calendar year and break should not be more than 30 days at any time, were to be regularized. This policy was amended to the extent that work charge/daily wager employees with 03 years of service on 31.01.1996 instead of 05 years of service on 31.01.1996 shall be regularized.

7. A perusal of the record further shows that in the year 1993 and 1996, the appellant did not file civil suit. Again Haryana Government framed policy dated 01.10.2003 for the purpose of regularization of service on daily wage in Group 'D' who completed 03 years of service on 30.09.2003 and were in service on 30.09.2003. Further that they fulfill the requisite qualification and were originally appointed against the vacant post and they worked for a minimum period of 240 days in each calender year and there must not be break of more than 30 days at a time due to his own fault.



8. The Haryana Government amended/modified condition No. 3 of the said policy and imposed additional condition No. 8 in the policy dated 01.10.2003 vide notification dated 10.02.2004. As per the amended policy, the daily wager employees who had fulfilled requisite qualifications of that post on which he was working on 30.09.2003 and condition of originally being appointed against the vacant post was deleted. In case of daily wagers Group 'C and D', only those daily wager employees could be regularized who had been engaged before 31.01.1996 and fulfill other conditions. As per the amended policy only those daily wagers, who completed 240 days in the last 03 years of service and had no break in service of more than 30 days were to be regularized.

9. As per record, the appellant did not complete 240 days in each calendar year and there was long break of more than 30 days at a stretch. The appellant worked from time to time in Kurukshetra Forest Division as Casual labourer as per the availability of the plantation work. He did not fulfill the required conditions of Haryana Government policies dated 27.05.1993/18.03.1996/01.10.2003. He filed civil writ petition and prayed for regularization of his service but since he was not fulfilling the required conditions as per the policies of the Haryana Government, his services were not regularized. Ex D4 shows that as per calendar year 1993, 1994, the appellant did not complete 240 days of service. The appellant did not continuously work for 240 days. Further Ex D4 shows the details of work period of the appellant from the month of September, 2003. It further shows that the appellant did not work from the year 1997 up to year 2002. The total working period of the appellant for the year 1993, 1994, 1995, 1996, 2001

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and 2003 are 72 days, 43 days, 245 days, 93 days, 149 days and 83 days respectively.

10. The record prior to 1993 was not available with the department since the same was weeded out, vide order dated 14.01.1997. From the year 1993 up to 2003, the appellant did not complete 240 days in each calendar year. As per Haryana Government Policies, those daily wagers who had completed 03 years of service and worked for 240 days in each year without any break of more than 30 days at a stretch were to be regularized. The relevant period of 03 year for the policy dated 07.03.1996/18.03.1996 is 01.02.1993 to 31.01.1996. Except oral statement, the appellant could not produce any documentary evidence to prove that he worked continuously on daily wage basis from the date he started working.

11. Sandeep Singh was examined as DW1 who categorically stated that the appellant was given work on daily wage basis as and when engaged on seasonal basis and he did not work for 240 days in any calendar year. The appellant filed civil writ petition for regularization of his service, which was disposed of on 29.08.2003 with a direction to the respondent to take a decision on his legal notice by passing a speaking order. Thereafter, order dated 05.02.2004 (Ex P2) was passed by Divisional Forest Officer by stating that the appellant cannot be regularized since he did not complete 240 days in any calendar year. He challenged the said order by filing another civil writ petition, which was dismissed as withdrawn with a liberty to the appellant to approach the civil suit. Thereafter, he filed civil suit in the present case wherein he has challenged order dated 05.02.2004 (Ex P2). A perusal of the same shows that it is well reasoned order.



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12. In view of the above, I do not find any infirmity in judgment and decree dated 23.05.2009 passed by learned Addl. Civil Judge, Kurukshetra, as well as judgment and decree dated 29.09.2011 passed by learned District Judge, Kurukshetra and the same are upheld.

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

14. Decree sheet be prepared accordingly.

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

24.04.2026

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

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