



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

214-2

RSA-4899-2001 (O&M)

Date of Decision: May 20, 2025

Dalip Singh Yadav

.....Appellant

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Kartikey Choudhary, Advocate for
Mr. Samrat Malik, Advocate
for the appellant.

Mr. Shivendra Swaroop, DAG, Haryana.
for the respondent (s).

SUDEEPTI SHARMA J. (ORAL)

The present appeal is preferred against the judgment and decree dated 03.09.2001 passed by learned Additional District Judge, Narnaul whereby the appeal filed by the present appellant alongwith one Surat Singh against judgment and decree dated 10.08.1999 passed by learned Civil Judge (Junior Division), Narnaul, was partly allowed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that the appellant being Ex-Serviceman was involved in a training under the scheme known as 'PEXSEM' formulated by Government of India. The primary purpose of the scheme was to render assistance to Ex-Serviceman for re-settlement in backward districts of the country. The appellant was appointed in the said scheme and vide order dated



08.03.1994 issued by Secretary, Rajya Sainik Board, Haryana, Panchkula, the services of appellant were terminated on the ground that the 'PEXSEM' scheme at Mahendergarh had been abolished. The appellant challenged the order dated 08.03.1994 by way of filing a civil suit which was dismissed vide judgment and decree dated 10.08.1999. The appellant filed appeal against the same which was partly allowed in his favour vide judgment and decree dated 03.09.2001 and the respondents-State were directed to adjust/absorb the appellant in any other district against vacant posts where the 'PEXSEM' scheme has been implemented. Hence, the present Regular Second Appeal is filed seeking modification of the impugned judgment and decree to the extent that the appellant is entitled to be adjusted in State Government Departments/State owned Corporations.

SUBMISSION OF LEARNED COUNSELS FOR THE PARTIES

3. Learned counsel for the appellant contends that the appellant was appointed under 'PEXSEM' scheme and his services were terminated due to abolition of the said scheme. He also contends that since other similar situated persons were absorbed by the respondents, the appellant should also have been adjusted in Government department or State owner corporation. He therefore, prays that the present appeal be allowed.

4. Per contra learned counsel for the respondents contends that learned first Appellate Court failed to appreciate that the appellant was working under the 'PEXSEM' scheme and the scheme was abolished and therefore his services were no longer required. Further, he worked under the scheme for a particular period and purpose, therefore he was never regularized and learned first appellate Court by treating the persons working under 'PEXSEM' scheme



as being appointed against the vacant post, has directed to absorb the appellant in any other district against a vacant post where 'PEXSEM' scheme has been implemented. He further, on instructions, from Sh. Vijay Kumar, WO, Zila Sainik Board, Narnaul, contends that the impugned judgment and decree was passed by learned Additional District Judge, Narnaul on 03.09.2001 and at that point of time, no 'PEXSEM' scheme was in existence since 'PEXSEM' scheme in all the districts in State of Haryana was abolished in the year 1996. Therefore, he prays that present appeal be dismissed.

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

6. A perusal of the record shows that during the year 1983-1984 in order to provide self-employment to the Ex-Serviceman, retired or retiring, a scheme known as 'PEXSEM' (preparing Ex-Serviceman for self-employment) was formulated by Ministry of Defence, Government of India. Initially the scheme was implemented in six States including State of Haryana on experimental basis. The expenditure on the scheme for the first two years was to be borne by the Central Government and thereafter, the expenses were to be shared by the State Government and the Central Government in the ratio of 50:50. In Haryana, initially the scheme was implemented only in Mahendergarh district. Mahendergarh district was chosen because it had huge strength of Ex-servicemen. Appellant-Dalip Singh was appointed as Assistant Project Officer under the 'PEXSEM' scheme by the same authority on 17.02.1989. Deputy Commissioner being the President of Zila Sainik Board was the appointing authority. Later on, the scheme was extended to other ten districts of the State of Haryana, with a result some of the districts were left out



of the scheme. In order to extend the benefit of scheme to other districts, the scheme was dropped in Ambala, Kurukshetra, Karnal, Gurgaon and Mahendergarh districts particularly due to paucity of funds and to provide equal opportunity of the benefit of the scheme to other districts as well. The scheme was dropped from these districts w.e.f. 01.04.1994 and a letter to that effect dated 08.03.1994 was written by Rajya Sainik Board, as a result of which, the posts held by the appellant became surplus and his services were terminated w.e.f. 01.04.1994. Admittedly, the appellant was serving under a scheme which was dropped in Mahendergarh and four other districts due to paucity of funds and to provide equal opportunity of benefit of the scheme to the other districts as well. The appellant had no vested interest to be continued under the 'PEXSEM' scheme.

7. A perusal of the record shows that the funds sanctioned in the Budget for the scheme was not sufficient for implementing the scheme in all the districts of the State of Haryana. Therefore, it was decided to implement the scheme in 5/6 districts each year to achieve more and more targets. Further the scheme in Mahendergarh was abolished and the appellant was engaged by Deputy Commissioner of Narnaul being the Chairman of Zila Sainik Board, he could not be transferred and absorbed in other districts. His termination was in accordance with terms and conditions of his engagement which was purely on temporary basis under 'PEXSEM' scheme. Further, since the scheme was abolished, therefore, the appellant could not be absorbed, since it was never a permanent job against any vacant post. Admittedly, the engagement of the appellant was temporary under the 'PEXSEM' scheme. Terms and conditions laid down in Ex.PW-2/2 also shows that the services of appellant were purely



temporary in nature under the scheme. As per the terms and conditions, it has been specifically mentioned that services of the appellant could be terminated after giving one month notice or one month pay. There is nothing on record to show that the services of the appellant were to be regularized. Further, Ex.PW2/6 however, shows that 'PEXSEM' scheme had been discontinued in District Mahendergarh. Further Ex.PW3/A shows that the scheme was introduced in April, 1985. Thereafter, Ex.PW3/C shows that the said scheme was discontinued. This document further shows that the scheme was applicable on year to year basis and every year, area in which it was to be introduced was changed as per the instructions of the Government. Ex. PX shows that in 1995, the scheme was introduced in Rewari. It is conceded by the appellant himself during the pendency of the civil suit in the year 1997 that at that point of time the scheme was not in operation any where in the state of Haryana. Once the scheme was not there, the directions given by the learned Additional District Judge to absorb the appellant in any other district against vacant post where 'PEXSEM' scheme had been implemented that is too on 03.09.2001, is totally contrary to the evidence on record as well as conceded pleadings of the appellant. Thus, learned first Appellate Court totally ignored the evidence on record while passing the above direction.

8. This court vide order dated 07.09.2002 while admitting the present appeal, stayed the operation of impugned judgment and decree dated 03.09.2001.

9. In view of the above and since vide judgment of even date passed in RSA-4402-2001, the judgment and decree dated 03.09.2001 passed by learned Additional District Judge, Narnaul, has been set aside and judgment



and decree dated 10.08.1999 passed by learned Civil Judge (Junior Division), Narnaul has been upheld, the present appeal is hereby ***dismissed***.

10. Parties are left to bear their own costs.
11. Decree sheet be drawn.
12. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

May 20, 2025
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No