



RSA No. 3826 of 2001 (O&M)

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

**RSA-3826 of 2001 (O&M)
Reserved on:- 29.07.2025
Pronounced on:-22.08.2025**

The Jind Co-op Sugar Mills (Ltd.), Jind and anr.Appellants

Vs.

Om Parkash and othersRespondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Kartikeya Chaudhary, Advocate
for the appellant.

Mr. Shailendra Sharma and Mr. L.K. Golen, Advocates
for respondent No. 1 and 2.

SUDEEPTI SHARMA J.

1. Challenge in the present regular appeal is to judgment and decree dated 30.09.1998 passed by learned Civil Judge (Sr. Divn.), Jind, whereby the suit filed by respondent Nos. 1 and 2 has been decreed in their favour and judgment and decree dated 11.05.2001 passed by learned Addl. District Judge, Jind whereby the appeal filed by appellant-Jind Co-op Sugar Mills (Ltd.) against the judgment and decree dated 30.09.1998 passed by learned Civil Judge (Sr. Divn.), Jind was dismissed. However, the cross appeal filed by respondent Nos. 1 and 2 was allowed.

FACTS NOT IN DISPUTE

2. Brief facts of the case as per civil suit are that respondents were seasonal permanent employees of the Jind Cooperative Sugar Mills Ltd., Jind.

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They joined the services on different dates in the month of February, 1985. All the respondents are I.T.I. Pass and are skilled persons. At the time of filing civil suit, they were posted as Motor Pump Attendants, which is a semi skilled job. Since the respondents were seasonal permanent, therefore, they were taking full salary for the period when the Mills used to run and the appellants required their services, which was normally about 5 to 6 months. For the remaining six months, the respondents remained out of service and were paid only retention allowance which was only 30% of the basic pay and D.A. Further condition of appointment of job was that they could not join any other service at any other place and could be called at any time. Further averments in the civil suit was that there were 22 posts of Fitter helpers which were regular permanent and besides this there were 6 regular permanent post of Motor Pump Attendants. Though the respondents were designated as Motor Pump Attendants but the appellants were also taking the work of Fitter helper from them. The respondents were fit for both the jobs and could be appointed any where. There were 28 regular permanent posts, but the appellants were keeping them vacant without any reason and there were only 6 to 7 employees on these posts and remaining posts were vacant. Further averments in the civil suit was that the respondents filled the above stated regular posts without following any criteria by appointing those who were either close to the Managing Director or having other political references. The appellants totally ignored the seniority list while appointing on regular permanent basis. Further that the persons who were appointed regular permanent gets full salary for complete calendar year, whereas, the permanent employees gets full salary for a period of approximately 6 months and for remaining period they used to get only retaining allowance. Further the appellants appointed respondent Nos. 3 to 5 on regular permanent basis without following any procedure and without considering the name of respondent Nos. 1 &

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2 who were much senior to them. Respondent Nos. 1 & 2 and other employees filed civil suit challenging the appointment of respondent Nos. 3 to 5 and further for directions to the appellant to promote them on the basis of regular permanent basis in accordance with the seniority list and also they be held entitled to all consequential benefits. The suit filed by respondent Nos. 6 to 12 was dismissed as they were already made regular permanent and the suit qua respondent Nos. 1 and 2 was decreed to the effect by giving direction to the appellants to post them on permanent regular basis in accordance with the seniority list with effect from the date their juniors have been made regular along with consequential benefits accruing therefrom, vide judgment and decree dated 30.09.1998 passed by learned Civil Judge (Sr. Divn.) Jind. The appellants filed appeal and respondent Nos. 1 and 2 filed cross appeal against judgment and decree dated 30.09.1998 passed by learned Civil Judge (Sr. Divn.) Jind. The appeal filed by the appellants was dismissed whereas the cross appeal filed respondent Nos. 1 and 2 was allowed and the amount of interest which was found payable to respondent Nos. 1 and 2 was ordered to be recovered from Managing Director who refused to treat the service conditions of respondent Nos. 1 and 2 at par with others. Hence the present regular second appeal.

3. Learned counsel for the appellants contends that both the Courts failed to appreciate the evidence on record while deciding the civil suit and while dismissing the appeal filed by the appellants. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for respondent No. 1 and 2 contends that the civil suit filed by respondent Nos. 1 and 2 has rightly been decreed in their favour. He further argued that the appeal filed by the Jind Co-op Sugar Mills

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(Ltd.), Jind has also rightly been dismissed. He, therefore, prays that the present regular second appeal be dismissed.

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

6. A perusal of the record shows that undisputedly Om Parkash and Dalbir Singh came into the employment on different dates in the month of February and were matriculate and I.T.I. Diploma Holders. They were appointed on seasonal permanent posts. They used to get full pay when the Mill was running. However, during the period when the Mill was closed, they used to get 30% of the salary as retention allowance and during this period off season, they were not allowed to work anywhere. Further 30 permanent posts were vacant in Sugar Mill as Fitters cum Helpers and the Motor Pump Attendant. Respondent Nos. 3 to 5- Sant Lal, Ram Mehar and Maharaj Singh were made regular permanent who were junior to the plaintiffs including respondent Nos. 1 and 2. The seniority list which is part of the record also shows that Om Parkash and Dalbir Singh were senior to respondent Nos. 3 to 5- Sant Lal, Ram Mehar and Maharaj Singh. Ex D1 is the letter dated 28.05.1988 issued by the Managing Director of Jind Coop Mills Ltd, Jind showing the regularisation of Sant Raj and Maharaj Singh on permanent basis and the names of Om Parkash and Dalbir Singh did not figure at all. Mark A is the letter dated 22/30.04.1989/05.07.1989 issued by the Managing Director of Jind Coop Mills Ltd, Jind regularising the services of Ram Mehar against the seasonal permanent post of unskilled under the Sugar Wages Board-II. Apparently, the service of Ram Mehar was less than the plaintiffs including respondent Nos. 1 and 2. No seniority list was produced by the appellant and appointment order of respondent Nos. 3 to 5- Sant Lal, Ram Mehar and Maharaj Singh. Further no witness was examined by the appellants to prove their case. There is no specific

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reply to the effect that Om Parkash and Dalbir Singh were not senior to respondent Nos. 3 to 5-Sant Lal, Ram Mehar and Maharaj Singh. Moreover, no evidence was led by the appellants and appellants failed to place on record the appointment order of respondent Nos. 3 to 5-Sant Lal, Ram Mehar and Maharaj Singh.

7. In view of the above, I do not find any infirmity in the judgment and decree dated 30.09.1998 passed by learned Civil Judge (Sr. Divn.), Jind as well as judgment and decree dated 11.05.2001 passed by learned Addl. District Judge, Jind and the same are upheld. Accordingly, the present regular second appeal is **dismissed**. However, judgment and decree dated 11.05.2001 passed by learned Addl. District Judge, Jind is modified to the extent that instead of Managing Director of the appellants, appellant-Jind Co-op Sugar Mills (Ltd.) is directed to pay the amount of interest payable to Om Parkash and Dalbir Singh by treating their service conditions at par with others.

8. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

9. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

22.08.2025

Gaurav Arora

Whether speaking/non-speaking : Speaking

Whether reportable : Yes