



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

**RSA-3662 of 2001 (O&M)
Date of Decision:- 29.07.2025**

J P Kaushik, IAS, Ex Managing Director,Appellant
Jind Co-op Sugar Mills (Ltd.)

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 second appeal is to judgment and decree dated 11.05.2001 passed by learned Addl. District Judge, Jind whereby the appeal filed by Jind Co-op Sugar Mills (Ltd.) (respondent No. 3 herein) 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 respondent Nos. 1 and 2 were seasonal permanent employees of the Jind Cooperative Sugar Mills Ltd., Jind. They joined the services on different dates in the month of February, 1985. Respondent Nos. 1 and 2 were I.T.I. Pass and were skilled persons. At the time of filing civil suit, they were posted as Motor Pump Attendants, which is a semi



skilled job. Since they were seasonal permanent, therefore, they were taking full salary for the period when the Mills used to run and Jind Cooperative Sugar Mills Ltd., Jind required their services, which was normally about 5 to 6 months. For the remaining six months, respondent Nos. 1 to 2 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 respondent Nos 1 and 2 were designated as Motor Pump Attendants but Jind Cooperative Sugar Mills Ltd., Jind were also taking the work of Fitter helper from them. Respondent Nos. 1 and 2 were fit for both the jobs and could be appointed any where. There were 28 regular permanent posts, but Jind Cooperative Sugar Mills Ltd., Jind were keeping them vacant without any reason and only 6 to 7 employees on these posts and remaining posts were vacant. Further averments in the civil suit was that respondent Nos. 1 and 2 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. Jind Cooperative Sugar Mills Ltd., Jind 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 Jind Cooperative Sugar Mills Ltd., Jind appointed Sant Raj, Ram Meher and Maharaj Singh on regular permanent basis without following any procedure and without considering the name of respondent Nos. 1 & 2 and other employees who were



much senior to them. Respondent Nos. 1 & 2 and other employees filed civil suit challenging the appointment of Sant Raj, Ram Meher and Maharaj Singh and further for directions to Jind Cooperative Sugar Mills Ltd., Jind 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 plaintiff Nos. 1 to 5 and 8 to 9 was dismissed as they were already made regular permanent and the suit qua respondent Nos. 1 and 2 was decreed by giving direction to Jind Cooperative Sugar Mills Ltd., Jind 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. Jind Cooperative Sugar Mills Ltd., Jind 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 Jind Cooperative Sugar Mills Ltd., Jind was dismissed whereas the cross appeal filed by 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 appellant contends that the learned First Appellate Court has awarded the interest which is to be recovered from the appellant who was not even the party in the civil suit as well as before the learned First Appellate Court. Further without hearing the appellant, learned First Appellate Court, vide impugned judgment and decree dated 11.05.2001 held him liable to pay the interest to respondent Nos. 1 and 2 which was not even the prayer in the civil suit. He, therefore, prays that the present appeal be allowed and judgment and



decree dated 11.05.2001 passed by learned Addl. District Judge, Jind be set aside to the extent of recovering the amount of interest, which is found payable to respondent Nos. 1 and 2 from the appellant who has refused to treat their services at par with other persons.

4. Per contra, learned counsel for respondent No.1 & 2 argues on the lines of judgment and decree dated 11.05.2001 passed by learned Addl. District Judge, Jind and prays that the present 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 the appellant was neither the party to the civil suit as well as before the learned First Appellate Court by name. Further without hearing the appellant, the learned First Appellate Court made him liable to pay the interest to respondent Nos. 1 and 2, which would not be justifiable.

7. Since judgment and decree dated 11.05.2001 passed by learned Addl. District Judge, Jind is passed without following the principles of natural justice, therefore this Court finds merit in the present appeal and the same is allowed.

8. Accordingly, the judgment and decree dated 11.05.2001 passed by learned Addl. District Judge, Jind is set aside to the extent of deleting the portion of recovering the amount of interest which is found payable to respondent Nos. 1-Om Parkash and respondent No. 2-Dalbir Singh from the appellant, who had refused to treat the service conditions of respondent Nos. 1 and 2 at par with others. Thus, the last part of the judgment will now be read as under:-

“16. As regards the cross appeal whereby Om Parkash and Dalbir Singh respondents have prayed for arrears pay, of Interest accrued there upon and the consequential monetary benefits is concerned, such appeal is found to be in accordance



with law. Consequential monetary benefits must follow when order passed by the appellants, the management of the sugar mills is found to be illegal and null and void. It is held that Om Parkash and Dalbir Singh, the contesting respondents are entitled for consequential monetary benefits including the arrears of pay at par with other juniors who have been made permanent on regular basis and such monetary benefits be paid together with interest at the rate of 12% per annum on such arrears.

17. As a corollary thereto, the appeal filed by the management of the Sugar Mills is dismissed with costs and the cross appeal filed by Om Parkash and Dalbir Singh is accepted.”

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**

29.07.2025

Gaurav Arora

Whether speaking/non-speaking : Speaking
Whether reportable : Yes