



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

202

RSA-1001-2001 (O&M)
Date of decision: 11.07.2025

Dhanpat Singh

...Appellant

Versus

Deputy Excise and Taxation Commissioner and Another

...Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Eklavya Gupta, Advocate for the appellant.

Mr. Shivendra Swaroop, DAG, Haryana.

SUDEEPTI SHARMA, J. (ORAL)

1. The present appeal is preferred against judgment and decree dated 03.02.2000 passed by Additional Civil Judge (Senior Division), Rewari whereby the suit for declaration and mandatory injunction filed by the appellant was dismissed and against judgment and decree dated 29.11.2000 passed by Additional District Judge, Rewari whereby the appeal filed by the appellant against judgment and decree dated 03.02.2000 was also dismissed.

2. Brief facts of the case as per pleading in the civil suit are that the appellant was appointed as a Labourer on 07.02.1991 by the respondent. Since, the Sales Tax Check Barrier in State of Haryana abolished from 15.04.1994, the services of appellant were terminated w.e.f. 15.04.1994 along with 11 other labourers and peons. Some of the terminated persons filed civil writ petition in this Court, which was decided on 10.08.1995 wherein it was directed that the petitioners have the preferential right in reappointment as and when vacancies arise in future. The appellant filed civil suit for declaration on the ground that the juniors to the appellant were re-employed, which was dismissed by Additional Civil Judge (Senior Division), Rewari vide its judgment and decree



dated 03.02.2000. He filed appeal against judgment and decree dated 03.02.2000 and Ld. Additional District Judge, Rewari vide its judgment dated 29.11.2000, dismissed the appeal filed by the appellant. Hence, the present appeal.

3. Learned counsel for the appellant contends that both the Courts did not appreciate the very fact that the juniors to the appellant were re appointed and dismissed the civil suit filed by the appellant vide its judgment and decree dated 03.02.2000 and appeal filed by the appellant was also dismissed vide judgment and decree dated 29.11.2000 without appreciating the evidence on record. Hence, he prays that the appeal may be allowed.

4. Per contra, learned counsel for the respondents contends that appellant was engaged on Sales Tax Barrier for a particular period and for a specific purpose. Since barrier was abolished w.e.f. 15.04.1994, therefore, the services of appellant along with 11 other employees were not required. Hence, he prays that the appeal may 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 it is undisputed that the appellant was appointed as a Labourer by the respondent on the Sales Tax Check Barrier. State of Haryana abolished the Sale Tax Check Barrier from 15.04.1994. Since, the appointment of the appellant by respondent No.1 was on contingent basis for a specific period and for a specific purpose and as per the evidence on record as discussed by Ld. Additional Civil Judge (Senior Division), Rewari in its judgment and decree dated 03.02.2000, no person junior to the appellant was re-appointed, therefore, I do not find any merit in



the present appeal. Accordingly, the Regular Second Appeal stands dismissed, being devoid of merit and both the judgments and decree dated 03.02.2000 and 29.11.2000 are hereby upheld.

11.07.2025

Yogesh

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No