

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

Regular Second Appeal No.2236 of 1990

Date of Decision:-28.01.2015

Kusum Bhalla

.....Appellant

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- None for the appellant/plaintiff.

Mr. Deepak Balyan, Addl. Advocate General, Haryana
for the respondent.

JASWANT SINGH, J.(ORAL)

The appellant/plaintiff-Kusum Bhalla is in second appeal against the concurrent findings returned by both the Courts below, whereby her suit for declaration that her retrenchment as a Lecturer in Mathematics from Dev Samaj College, Ambala City by way of punishment and thus liable to be set aside under the ambit of Haryana Affiliated Colleges (Security of Service) Act, 1979; with consequential mandatory injunction to the defendant-State to pay the plaintiff all her past and future salaries from April, 1984 out of the grants granted to the said Private College, was dismissed by the learned Senior Sub Judge, Ambala, vide judgment and decree dated 15.01.1988 (**P-1**) and the findings upheld, vide judgment and decree dated 23.05.1990 (**P-2**), passed by the learned Additional District Judge, Ambala.

The plaintiff had served as a Lady Lecturer in the Department of Mathematics in Dev Samaj College, Ambala City, a Private College, w.e.f. 07.07.1970 till 14.07.1980 when her services were retrenched as a result of

permission granted on 28.06.1980 by the Kurukshetra University, Kurukshetra for closing the Department of Mathematics.

Both the Courts below have found the retrenchment of her services was not by way of any punishment but was in pursuance to a prior approval by the University on 28.06.1980. The same could not be held to be a *mala fide* action on part of the College in the absence of the impleadment of the said Private College as a party. The other relief of grant of salary by the State from the grants and aids to the College was also negated firstly on the ground that the College had stopped taking grant of aid from the State after 1982 and secondly since she is not serving in the College, therefore, the amount did not become payable. Both the Courts below have given detailed reasons, which are well founded for their findings in declining both the reliefs.

In view of the fact that none is appearing on behalf of the appellant, therefore, it appears that appellant is no longer interested in pursuing his appeal.

Dismissed in default.

(JASWANT SINGH)
JUDGE

January 28, 2015

Gagan