

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

**Regular Second Appeal No.5123 of 2013 (O&M)
Date of decision : 21.04.2015**

Mange Ram

....Appellant

versus

Haryana Roadways, Bhiwani and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Mani Ram Verma, Advocate,
for the appellant.

RITU BAHRI, J.

Mange Ram, plaintiff-appellant has come up in regular second appeal against the judgment of concurrent findings of facts recorded by both the courts below, whereby his suit has been dismissed.

Plaintiff-appellant filed a suit for mandatory injunction against the defendants-respondents claiming that he was employed as driver in Haryana Roadways, Bhiwani and had worked as such till 17.01.1992. Thereafter, he was transferred from Bhiwani to Karnal. However, he was not allowed to join his duties at Karnal. When he returned back to Bhiwani depot, he was told that since he had been transferred to Karnal, therefore, he should join his duties there. He gave notices dated 27.12.1996 and 20.07.2006 to the defendants-respondents, but of no use. Ultimately, he filed a suit against the defendants for taking him back in service and for payment of entire salary since 17.01.1992.

The stand of the defendants-respondents, in their written

statement was that the plaintiff had worked as driver at Bhiwani depot up to 17.11.1992 and thereafter, he was transferred to Karnal. He was relieved on 17.11.1992 from Bhiwani, but he did not join his duties at Karnal. His service record was sent to Karnal Depot on 24.03.1993. Thereafter, he never visited the office at Bhiwani or Karnal.

From the pleadings of the parties, following issues were framed by the trial Court on 27.08.2008:-

1. Whether the plaintiff is entitled to be reinstated as driver and also entitled to recover the salary, bonus, gratuity etc. from 17.01.1992 on the grounds as alleged in the plaint? OPP
2. Whether the plaintiff has no locus standi to file the present suit? OPD
3. Whether the Civil Court has no jurisdiction to try and entertain the present suit? OPD
4. Whether the suit of the plaintiff is not maintainable in the present form? OPD
5. Relief.

Trial Court, after going through the evidence led by the parties, dismissed the suit of the plaintiff vide judgment and decree dated 22.03.2011. The lower appellate Court affirmed the findings of the trial Court and dismissed the appeal vide judgment dated 04.05.2013.

While dismissing the appeal, the lower appellate Court has observed that after the plaintiff-appellant was transferred to Karnal depot on 17.11.1992, he gave a notice dated 13.11.1996 (Ex.P1), to which General Manager, Haryana Roadways, Bhiwani gave his reply (Ex.P6) through his counsel stating therein that the plaintiff-appellant had already been

transferred to Karnal and he should move to Karnal depot for his GPF etc. But, the plaintiff-appellant did not make any effort to report for duty at Karnal. Rather, he filed the present suit on 14.02.2007 after a period of 11 years.

Having examined the impugned judgments, no illegality, much less perversity, has been found therein warranting interference by this Court.

No substantial question of law arises for consideration.

Dismissed.

(RITU BAHRI)
JUDGE

21.04.2015
ajp