

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

RSA No. 1793 of 2014 (O&M)

Date of Decision: November 02, 2015

Smt. Ashok Verma

.... Appellant

vs.

Bhartiya Vidya Mandir Trust and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Bhupinder Ghai, Advocate for the appellant.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment? Yes*
2. *To be referred to the Reporters or not? Yes*
3. *Whether the judgment should be reported in the Digest? Yes*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 30.10.2013 passed by learned Addl. District Judge, Fast Tract Court, Ludhiana, affirming the judgment and decree dated 05.09.2011 passed by learned Civil Judge (Jr. Divn.), Ludhiana, whereby the suit of the plaintiff was dismissed.

The brief facts necessary for the purpose of disposal of the present appeal are that the plaintiff-appellant was working as Head Mistress in Bhartiya Viidya Mandir School-respondent No.2. She applied for eight months leave i.e. from August 2003 to March 2004 to visit her husband, who was living in Canada along with her children. The said leave was sanctioned. Later on, she applied for one year leave i.e. from 01.04.2004 to 31.03.2005 vide her

application dated 27.02.2004 and same was also sanctioned. Then according to the plaintiff, she fell ill and applied for one year more leave on medical ground i.e. from April 2005 to 31.03.2006. But the same was not sanctioned and vide letter dated 28.03.2005, the plaintiff was asked to either join the duty or submit her resignation. The plaintiff submitted the reply along with the medical record but in spite of that she was informed vide letter dated 01.05.2006 that she was considered to have deserted the job because of non-joining of duties despite rejection of her application for extension of leave applied for by her. Her services were terminated vide letter dated 08.06.2005.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

The lower court has come to the conclusion that the plaintiff had deserted her job. She was given ample opportunities but she did not join her duties. The findings were affirmed in appeal by the first appellate court.

A perusal of the judgments of both the courts below shows that the plaintiff went to Canada, where her husband was working after obtaining leave for eight months. Thereafter, she again got the extension of leave for one year and reported on duty on 01.04.2006 when her sought for leave would have expired. The conduct of the plaintiff shows that she was not interested in to join her duty that is why she had deserted her job. She got the leave with an intention to get extension of leave. She was a Head Mistress of

the School and is expected to teach discipline to the students but she herself was insincere in performing her duties and left for Canada leaving the school authorities high and dry.

In these circumstances, her services were rightly terminated. No substantial question of law arises in the present appeal. Accordingly, the present regular second appeal stands dismissed.

November 02, 2015
sarita

(KULDIP SINGH)
JUDGE