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

RSA No.1556 of 2013

Date of decision: February 17, 2016

Naresh Kumari

.....Appellant

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajeev Sharma, Advocate for
Mr. J.S. Dadwal, Advocate
for the appellant.

SABINA, J

Appellant had filed suit for declaration challenging the order dated 28.10.2004, whereby, the request of the appellant for release of her salary w.e.f. 01.09.2002 till date and her request for regularisation of her services, was declined.

The case of the appellant, in brief, was that she was working as a Sweeper/Safai Karamchari with the defendants since the year 1994. Although, appellant had put in more than 10 years of service, but her services had not been regularised so far. Appellant had also not been paid her salary w.e.f. 01.09.2002. Services of junior employees had been regularised. The representation submitted by the appellant had been declined by defendant No.3 on the ground that the appellant was not entitled for

regularisation of her services in terms of Circular dated 29.10.2003, as she was not working with the defendants on the said date.

Defendants No.2 to 4 in their written statement averred that the appellant was working as a part-time Safai Karamchari and had been appointed on a fixed salary of ₹254/- vide letter dated 23.08.1996. Appellant had worked upto 31.08.2002. Hence, appellant was not entitled for regularisation of her services in pursuance to Circular dated 29.10.2003.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled for declaration as prayed for?OPP
2. Whether the plaintiff is entitled to mandatory injunction as prayed for?OPP
3. Whether the suit is bad for mis-joinder of Union of India?OPD
4. Whether the present suit is not maintainable?OPD
5. Whether the suit is barred by limitation?OPD
6. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 19.09.2011 dismissed the suit of the appellant-plaintiff. The said judgment/decreed passed by the trial Court were upheld in an appeal filed by the appellant-plaintiff by the First

Appellate Court vide its judgment/decreed dated 06.11.2012.

Hence, the present appeal by the appellant-plaintiff.

I have heard learned counsel for the appellant and have gone through the record available on the file carefully.

In the present case, appellant worked with the defendant as a part-time Safai Karamchari and was appointed vide letter dated 23.08.1996. The work of cleanliness of the Telephone Exchange was taken over by a private contractor w.e.f. 01.09.2002 vide agreement Exhibit DW1/B. Thereafter, appellant did not work under the defendants and consequently was not paid any salary w.e.f. 01.09.2002. Appellant had based reliance on Circular dated 29.10.2003 seeking a relief of regularisation of her services. The said relief was rightly declined to the appellant by the Courts below as appellant was not longer in service with the defendants when the said Circular was issued. Hence, in the facts and circumstances of the present case, the Courts below had rightly held that the appellant was not entitled to the relief claimed by her.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

February 17, 2016
mahavir