

In the High Court of Punjab and Haryana at Chandigarh

**Regular Second Appeal No. 2881 of 2015
Date of Decision: 19.2.2016.**

Laxmie Devi

.....Appellant

Versus

Secretary, Forest Department and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.S.Cooner, Advocate
for the appellant.

SABINA, J.

Appellant-plaintiff had filed suit for declaration that her services be regularized.

Case of the appellant, in brief, was that she was working as a part-time sweeper with defendant No. 3 since the year 1973. Appellant had been performing her duties to the best of her ability. On 15.11.1988, Divisional Forest Officer, Ambala had written to the Forest department to regularize the services of the appellant but no action had been taken on the same so far. State had issued policy dated 1.2.1999 to regularize the services of part-time Group-B employees. On 17.10.2002, State amended the policy but despite the fact that the appellant fulfilled all the necessary conditions, her services had not been regularized.

Defendants, in their written statement, denied the contentions in the plaint. It was denied that the appellant was working with them as a part-time sweeper.

On the pleadings of the parties, following issues were

framed by the Trial Court:-

- “1. Whether the plaintiff is entitled to regularization of service with all consequential benefits? OPP
2. Whether the suit is not maintainable in the present form ? OPD
3. Whether the suit is barred by limitation ? OPD
4. Whether the plaintiff has no locus standi to file the present suit ? OPD
5. Relief.”

Suit filed by the appellant-plaintiff was dismissed by the Trial Court vide judgment/decreed dated 12.8.2013. Aggrieved against the said judgment and decree, appellant preferred an appeal and the same was dismissed by the First Appellate Court vide judgment/decreed dated 25.2.2015. Hence, the present appeal by appellant-plaintiff.

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

The Courts below after going through the evidence on record have given a finding of fact that there was no material on record to suggest that any post of sweeper was lying vacant with the respondents or had ever been created at a later stage. It has further been held by the Courts below that there was no evidence on record that any similarly placed employee as the appellant had been regularized by the defendants. Thus, although, the appellant was held to have been working as a part-time sweeper with the defendants since the year 1973 but the Courts below rightly held that the relief claimed by the appellant could not be granted to her as there was no material on record to suggest that the post of

sweeper was lying vacant with the defendants or that any similarly placed employee as the appellant had been regularized.

In the facts and circumstances of the present case, no substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

February 19, 2016
Gurpreet