

In the High Court of Punjab and Haryana at Chandigarh

Regular Second Appeal No. 5393 of 2014
Date of Decision: 4.3.2016.

Sport Authority of India

.....Appellant

Versus

Monika Sood

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Arvind Moudgil, Advocate
for the appellant.

SABINA, J.

Appellant had filed suit for recovery against the respondent on account of violation of the terms and conditions of the bond furnished by her.

Case of the appellant-plaintiff, in brief, was that respondent had joined as Research Fellow in the Department of Physiology on 20.7.2004. Respondent had furnished a bond as per the terms and conditions of her appointment letter. Respondent was required to deposit ₹ 40,920/- along with interest at the rate of 18% per annum as she had failed to complete the course and had joined some other Government organization.

Respondent, in her written statement, averred that she had joined as Research Fellow in the Department of Physiology and had done the research work and had submitted the necessary papers in July 2004 with regard to her early project report for the year 2003-2004. Respondent again submitted her final project report in July 2005. Respondent had not furnished any fresh bond

for the year 2004-2005 and as such the conditions of the earlier bond were not applicable.

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

- “1. Whether plaintiff is entitled for recovery as prayed for? OPP*
- 2. Whether suit of plaintiff is not maintainable ? OPD*
- 3. Whether suit of plaintiff is false and frivolous ? OPD*
- 4. Whether suit is bad for non-joinder of necessary parties ? OPD*
- 5. Whether plaintiff has no locus standi to file the present suit ? OPD*
- 6. Relief.”*

Trial Court vide judgment/decree dated 13.12.2012 decreed the suit of of the appellants. The First Appellate Court vide judgment/decree dated 6.1.2014 allowed the appeal filed by the respondent and, consequently, dismissed the suit filed by the appellant. Hence, the present appeal by the appellant.

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

Admittedly, in the present case, respondent was selected for sport science research fellowship in the Sport Science Unit of the appellant vide Exhibit P-8 dated 21.7.2003. The said application was accepted by the respondent. Respondent furnished personal bond Exhibit P-2 along with surety on 26.7.2003 for the year 2003-2004. Vide letter dated 23.8.2004 Exhibit P-7, the fellowship of the respondent was extended for another year with effect from 21.7.2004 in the pre-revised scheme. Respondent

sought leave from 14.3.2005 to 31.3.2005 and the same was recommended on 27.3.2005. The case of the appellant was that the respondent had failed to join her duty after the leave period and had expressed her inability to join back. Admittedly, when the extension was granted to the respondent in the pre-revised scheme vide Exhibit P-7, respondent was not asked to submit a fresh bond for the year 2004-2005. In these circumstances, the learned First Appellate Court rightly came to the conclusion that the conditions of the bond Exhibit P-2 would not be applicable for the year 2004-2005. The bond Exhibit P-2 had been executed by the respondent for one year and the terms and conditions of the said bond came to an end on 25.7.2004. During the said period, the respondent had not violated the terms and conditions of the bond. Since the respondent had not furnished any fresh bond at the time of extension granted to her in the pre-revised scheme, she could not be made liable to refund the amount in terms of bond Exhibit P-2 which was for the year 2003-2004. The First Appellate Court had, thus, rightly allowed the appeal filed by the respondent.

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

Dismissed.

**(SABINA)
JUDGE**

March 04, 2016
Gurpreet