

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.776 of 2017

Date of decision: 03.02.2017

S.P.S. International School and another

... Petitioners

Vs.

Smt. Savita Sharma

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Adarsh Jain, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the impugned order dated 17.01.2017 passed by learned District Judge, Palwal, allowing the application of the appellant-respondent herein to lead additional evidence, during pendency of her appeal, respondents in the appeal have approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting the impugned order.

Heard learned counsel for the petitioners.

It has gone undisputed before this Court that appellant-respondent herein was serving with the petitioners as TGT-Social Science. She filed the appeal against the alleged oral termination of her services. The case set up by the petitioners, who are respondents in the appeal filed by Smt. Savita Sharma-respondent herein, that they never terminated her services. She herself started absenting. It was under these circumstances that the respondent-Smt. Savita

Sharma moved an application before the learned District Judge, permitting her to lead additional evidence, so as to produce in her evidence, conversation between herself and the former Principal, Chairman and Clerk respectively of the petitioner-School. Under these circumstances, learned District Judge, Palwal found it just and expedient to allow the application of the aggrieved employee Smt. Savita Sharma.

It is also clear from the impugned order that learned Court itself felt the necessity of the documents sought to be produced on record for arriving at a just conclusion to decide the lis between the parties effectively. Having said that, this Court feels no hesitation to conclude that learned District Judge, Palwal was well within her jurisdiction to pass the impugned order and the same deserves to be upheld, for this reason also.

The learned Court has found that the proposed additional evidence sought to be produced on record, would certainly be relevant for the just decision of the case, coupled with the fact that whatever was sought to be produced by way of additional evidence, is coming from the official record of the petitioners and no prejudice is likely to be caused to the petitioners. In this view of the matter, it can be safely concluded that learned District Judge committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason as well.

It is not in dispute that the appeal filed by the employee-respondent herein before the learned District Judge, was in terms of the relevant judgments of the Hon'ble Supreme Court and it was not the appeal against the judgment and decree of learned trial Court.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

03.02.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No