

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

RSA-2115-2017 (O&M)
Date of decision: 26.05.2017

DAV Girls College, Kosli & ors.

.... Appellants

vs.

Yashpal Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.S.Cheema, Advocate
for the appellant.

Rajiv Narain Raina, J.(Oral)

1. On a query put by Court that in case the decree is implemented what would the financial impact be, Mr. Cheema answers by producing a calculation sheet, which he received by email from the appellant – DAV Girls College, showing an amount of ₹ 73,066/- payable to the plaintiff respondent. The calculation sheet is taken on record as Mark 'A'.

2. With the assistance of Mr. Cheema, I have gone through the additional affidavit and the documents attached being the appointment letters and termination order and find that the plaintiff-respondent was appointed as Accounts Clerk on July 06, 1998 by the defendant management. The appointment letter was issued by one Dr. Satnam Kaur, Officiating Principal of the college. On the same day, another document was prepared, which laid down the terms and conditions of the appointment, and is also signed by the principal with acceptance by the plaintiff of the conditions of service. The initial appointment was described as on “Temporary/Ad hoc basis” and with effect from the date of joining subject

to the approval of the University/Managing Committee, New Delhi, Government as well as acceptance of terms by the recipient.

3. In 2004, the new principal of the college added her own vocabulary in letter dated October 09, 2004 addressed to the plaintiff-respondent being the order of termination where she describes the plaintiff as a person appointed as Accounts Clerk “on purely ad hoc basis” and further the appointment was on “ex-cadre post”. This puts extra gloss and fanciful imagination of mind changing the complexion of the appointment altogether and totally inconsistent with the original appointment terms. Therefore, I find nothing wrong in the reasoning judgment and decree passed by the lower appellate Court and the present appeal is accordingly dismissed as without substance. No question of law is involved in this appeal.

4. The appellant is directed to pay the amount of ₹ 73,066/- to the plaintiff-respondent within a period of three months from the date of receipt of certified copy of the order. In case of default, the amount in default from the date payable i.e. on expiry of the period fixed for payment will carry interest at the rate of 9% per annum till realisation.

(RAJIV NARAIN RAINA)
JUDGE

26.05.2017
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1. *Whether speaking/non-speaking?*
2. *Whether reportable?*

Yes
No