

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

RSA No.5337 of 2017 (O&M)

Date of Decision.17.12.2018

Paramjeet Kaur

....Appellant

Vs

Dr. Jagjit Singh

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Baljinder Singh Ichhewal, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

C.M. No.14270-C of 2017

For the reasons stated in the application, delay of 22 days
in re-filing of the appeal is condoned.

Application is allowed.

C.M. No.14272-C of 2017

For the reasons stated in the application, delay of 24 days
in filing of the appeal is condoned.

Application is allowed.

RSA No.5337 of 2017

The appellant-plaintiff has not been successful in claiming
declaration by entitling her a sum of ₹35,000/- as arrears of balance
salary along with interest @18% from the date of actual payment till
realization, much less, damages.

The case set up in the plaint was that she worked as
Attendant in the Nursing Home run by respondent-defendant under the
name and style of Jagjit Nursing Home. She was drawing a salary of
₹5000/- per month and duty hours were from 8AM to 7PM. Defendant
did not pay salary as aforementioned and therefore, compelled to file the

suit.

Defendant denied the relationship of employer and employee, much less, status of the plaintiff as Attendant.

The trial Court dismissed the suit and the appeal laid before the lower Appellate Court was also dismissed.

Mr. Ichhewal, learned counsel appearing on behalf of the appellant submitted that Ex.P5 to P9, receipts of LPG established the address of the Nursing Home. No person would be receiving the LPG without any relationship or place to reside. The certificate allegedly issued by the defendant, which was denied by the defendant, has been brought on record as Mark A. All these facts, if read in cumulatively, would have resulted the suit into decretal.

I am afraid the aforementioned argument is not sustainable, as receipts of gas cylinders would not establish the relationship of employer and employee, particularly of Attendant. Heavy onus was laid upon the plaintiff to claim arrears. No colleague or employee of the Nursing Home was examined to establish the same. Certificate allegedly executed by the defendant has remained unproved.

In view of this matter, I do not find any illegality and perversity in the concurrent finding of fact and law arrived at by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 17, 2018
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No