

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-548-2018 (O&M)

Date of Decision:-24.01.2018.

The State of Punjab and others

.....Appellants

Versus

Narinder Kaur, ANM/Multipurpose Health Worker (Female)

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Avinit Avasthi, Assistant A.G. Punjab for
the appellants.

P.B. BAJANTHRI, J. (Oral)

CM-1340-C-2018

Heard.

Delay of 264 days in filing the appeal is condoned.

CM stands allowed subject to all just exceptions for the reasons
stated in the application as well as affidavit.

RSA-548-2018 (O&M)

Respondent's grievance is relating to completion of her service
book and extension of service benefits like annual increments and
proficiency step up and further consequential benefits. Trial Court decree
the suit. Trial Court order has been upheld by the Appellate Court. Thus,
the present appeal.

Learned counsel for the appellants-State submitted that

respondent remained unauthorized absent during the period from 1.3.1993 to 23.10.1997. Consequently, she is not entitled to any service benefits like proficiency step up and annual increment during the relevant period of unauthorized absence. Consequently, respondent is not entitled to the relief sought in the suit. Both the Trial Court as well as Appellate Court have erred in extending the service benefits with a direction to complete respondent's service book etc.

Heard learned counsel for the appellants.

Undisputedly appellants have not taken appropriate action relating to unauthorized absence from 1.3.1993 to 23.10.1997 of holding disciplinary proceedings. Therefore, contention of the appellants cannot be accepted for non-completing of service book and extending of service benefits to the respondent. Consequently, no substantial question of law is involved in the present appeal. That apart, it is a concurrent finding and in view of the Supreme Court decision in the case of **Satish Chand (Dead) by legal representatives and another Vs. Kailash Chand and others** reported in **(2017) 13 SCC 619**. Para 4 and 5 read as under:-

“4. Having heard the learned senior counsel for the appellants, we are of the view that the High Court in Second Appeal was not justified in reversing the concurrent findings entered by the first appellate court and trial court in the matter of right to sell and in reversing the admitted position of landlord-tenant relationship as found by the first appellate court and denying eviction. The First appellate court is the last court on facts. We find no perversity in the findings of the first appellate court. The said court has found on admission that there was landlord-tenant relationship. After entering such a finding only, the eviction was

ordered on the ground of arrears of rent. There is no dispute on these facts. On the right to sell the property by the first respondent's father, the findings are concurrent.

5. In that view of the matter, we allow the appeal, set aside the impugned judgment of the High Court and restore that of the first appellate court. The respondents are given a period of two months to surrender vacant possession to the appellants. No costs."

Appellants have not made out a case.

Accordingly, appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 24, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.