

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

(305)

RSA-734-2021

Date of Decision : April 10, 2023

Neelam Rani

.. Appellant

Versus

Principal, Government Industrial Training Institute and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.P. Sharma, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

Present Regular Second Appeal has been filed challenging the judgment and decree of the trial Court dated 31.10.2018 by which, the suit filed by the appellant-plaintiff challenging the order dated 03.10.2016 by which services of the appellant were terminated, was dismissed as well as the judgment and decree of the lower Appellate Court dated 11.12.2019 by which the judgment and decree of the trial Court was upheld.

The only argument raised during the course of hearing is that the appointment of the appellant was perfectly valid and legal and non-appreciation of the said fact by the Courts below is arbitrary and illegal keeping in view the evidence which has come on record.

On being confronted with the observations of the lower Appellate Court in paragraph 14 of the judgment dated 11.12.2019 wherein,

the termination of the services of the similarly situated employees, whose services were also terminated along with the appellant-plaintiff was upheld by this Court while passing order in CWP No.20873 of 2016 wherein, a finding has already been recorded by the High Court that appointments were made dehors the Rules and rather direction was given to take action against the erring officials in giving appointment to the candidates without following due process of law, learned counsel concedes the said factum.

Keeping in view the fact that this Court has already held the selection for the post in question to be bad, which order has already attained finality and the findings have already been recorded by this Court that the appointment of the appellant and the other similarly situated employee by the Principal concerned was beyond his jurisdiction and dehors the rules, it cannot be said that the argument being raised before this Court that the appointment of the appellant was perfectly valid and legal, cannot be accepted.

No other argument was raised.

Keeping in view the above, no interference is called for by this Court in the present Regular Second Appeal and the same is accordingly dismissed.

April 10, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No