

2023:PHHC:130415

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

105

**RSA No.2018 of 1992(O&M)
Date of Order:09.10.2023**

Dr. Mrs. Milan Yadav

.Appellant

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. G.S.Bal, Senior Advocate, with
Mr. J.S.Randhawa, Advocate
for the appellant.**

Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL, J

1. The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff in this second appeal.
2. Her suit for grant of decree of declaration that she continued in service from 31.05.1987 to 14.04.1988 and is entitled to all the dues for the aforesaid period, has been dismissed by both the courts below. In fact, the First Appellate Court has held that the plaintiff's suit is pre-mature as during the disciplinary proceedings for the petitioner's absence from duty was pending at that time.
3. The learned counsel representing the parties admit that during the pendency of the second appeal, the disciplinary authority passed the order while stopping one increment of the petitioner with cumulative effect on account of her absence from duty. The correctness of the aforesaid order is not subject matter of challenge in the present suit or in the second appeal.
4. Keeping in view the aforesaid facts, the appellant, if so advised, may avail the remedy against the order of punishment.

5. With these observation, the appeal is disposed of.
6. All the pending miscellaneous applications, if any, are also
disposed of.

October 09, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO