

2023:PHHC:129829
126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3061-2019 (O&M)
Date of decision: 06.10.2023

Jai Bhagwan

....Appellant

Versus

Director and Principal Moti Lal Nehru School of Sports Rai and
Another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Barjesh Kumar Sharma, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff in this Regular Second Appeal. The plaintiff's suit for grant of decree of mandatory injunction directing the defendants, to reinstate him, in service, on the post of Safai Karamchari, by giving him all the benefits of service w.e.f 16.02.1985, has been dismissed by both the courts below. It has come on record that the appellant was engaged on ad hoc basis for a period of 6 months from time to time. However, he absented from duty at three different occasions for different period of time in the year 1979 itself. Subsequently, on 02.02.1980 he stopped attending the office. Ultimately, the services of the appellant were dispensed with vide order dated 16.02.1985. After filing a suit on 20.11.1992, he sought the help of the court to

get back his job. Both the courts, on appreciation of evidence, have concurrently found that the appellant, being a temporary employee having remained absent from his duty for a sufficiently long period of time, cannot be granted any indulgence.

2. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

3. Hence, dismissed.

4. All the pending miscellaneous applications, if any, are also disposed of.

06.10.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE