

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 235)

(1)

RSA No. 2270 of 2016
Date of Decision : 09.05.2023

Shiv Kumar

...Appellant

Versus

The Collector, Ambala District, Ambala and another

...Respondents

(2)

RSA No. 3622 of 2016.

Jeet Bahadur

...Appellant

Versus

The Collector, Ambala Division, Ambala and another

...Respondents

(3)

RSA No. 3497 of 2016.

Jagdeep Kumar

...Appellant

Versus

The Collector, Ambala Division, Ambala and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gunjan Mehta, Advocate for the appellant
in RSA-2270-2016.

Mr. Viney Saini, Advocate for the appellant(s)
in RSA-3497-2016 and RSA-3622-2016.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. These three regular second appeals have been filed challenging the judgments and decrees of the courts below by which, the claim of the appellants-plaintiffs for continuance in service has been declined.

2. Certain facts may be noticed for the correct appreciation of the issue in hand.

3. The appellants-plaintiffs were engaged as a Water Career on DC rates as extended to a daily wager. They continued working upto 29.08.2006 after which, their services were terminated along with other Class-IV employees on the ground that the competent authority has not given the approval of their continuance in service on daily wage basis on the rate fixed by the Deputy Commissioner concerned.

4. As the Government of Haryana did not accord sanction of Class-IV employees for continuance in service and the services of the appellants-plaintiffs were terminated, the said action was challenged by filing civil suit. Keeping in view the facts and evidence, which came on record, the trial court dismissed the claim raised by the appellants-plaintiffs vide judgment and decree dated 31.01.2013 by recording a finding that the appellants-plaintiffs failed to prove that they were appointed on a regular sanctioned post or there was an approval by the competent authority for their continuation in service and in the absence of approval by the competent authority, they could not have continued in service beyond the date upto which the approval was already there, hence, the said termination of the appellants-plaintiffs cannot be faulted with.

5. Feeling aggrieved against the judgment and decree of the trial

court, appeal was preferred before the lower appellate court, which appeal came to be decided by the lower appellate court vide judgment and decree dated 07.09.2015. The lower appellate court recorded a finding that as the appellants-plaintiffs were working on daily wage basis and they only continued upto the date Government granted approval for continuation of their services and in the absence of any further approval for continuing in service, their services were rightly terminated, hence, the present regular second appeals.

6. Learned counsel for the appellants-plaintiffs argues that the services of the appellants-plaintiffs were terminated only on the ground that they were appointed during the period when there was a ban imposed on recruitment, whereas the said allegation is incorrect. On being asked to point out any evidence on record that the reason behind termination of their services was only that they were appointed during the banned period, no evidence to the said effect could be pointed out by the learned counsel for the appellants-plaintiffs. Merely that the appellants-plaintiffs are of the view that their services were terminated on a particular ground but the same is not born out of the evidence which is on record, the said argument cannot be accepted.

7. Further, it is a conceded position that upto the date of termination, there was an approval by the Government for continuance of the appellants-plaintiffs in service. The Government decided not to extend the said approval, which automatically means that the services of the appellants-plaintiffs came to an end. For the said reason, the services of the appellants-plaintiffs were terminated, which act on the part of the

respondents has already been upheld by the courts below on the basis of the evidence and facts which have come on record.

8. Keeping in view the fact that the appellants-plaintiffs were working on a daily wage basis and nothing has come on record that they were appointed against the regular sanctioned post as well as that any procedure required for the recruitment to the said post was followed, the claim of the appellants-plaintiffs that they should be allowed to continue in service, has rightly been declined by the courts below keeping in view the facts and evidence on record, hence, the judgments of the courts below need no interference at the hands of this Court in the present regular second appeal.

9. The last argument, which has been raised by learned counsel for the appellants-plaintiffs is that they were not given any show cause notice before termination of their services. It may be noticed that once the appointments of appellants-plaintiffs were for a specific period, after which period, their continuance in service was not approved, the moment the said approval of their continuing in service came to an end, there is an automatic termination for which, no show cause notice is required to be given. It is not the case that the services have been terminated by levelling some allegations, which needs issuance of show cause notice or proving of the allegations. Once, the termination is only on the ground that the term for which the appellants-plaintiffs were appointed came to an end, no show cause notice was required to be served.

10. No other argument was raised.

11. Keeping in view the above, no ground is made out for any

interference by this Court in the present regular second appeals.

12. Dismissed.

May 09, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No