

In the High Court of Punjab and Haryana, at Chandigarh**Regular Second Appeal No. 1269 of 2018****Date of Decision: 18.07.2023**

Swinder Kaur

... Petitioner(s)

Versus

Punjab State Power Corporation Limited and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. B.D.Sharma, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The correctness of the concurrent findings of fact arrived at by both the courts below while dismissing the plaintiff's suit for grant of declaration with a consequential relief of mandatory injunction for direction to the respondents to pay salary for the period between 12.08.1985 to 23.12.1995 has been dismissed.

2. The plaintiff's husband was engaged as WCT/Mate in the office of the Senior Superintending Engineer, Punjab State Electricity Board, Verka, District Amritsar, in the year 1976. On 31.08.1979, the services of the appellant's (the plaintiff's) husband were dispensed with. He was re-employed on 01.09.1981, whereas he died on 23.12.1995. The defendant, while contesting the suit, submitted that her husband had abandoned the service and never attended the duty after 12.08.1985 and the dues upto that date have been paid. Both the Courts below, as already noticed, have dismissed the suit as the service book of the appellant's husband was

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produced which proves that her husband did not continue with his services after 12.08.1985.

3. Heard the learned counsel representing the appellant at length and with his able assistance, perused the paper book.

4. The learned counsel representing the appellant submits that the services of the appellant's husband were never dispensed with as neither any show cause notice was issued nor any disciplinary inquiry was held. He submits that the appellant is entitled to the salary till the date of death of her husband.

5. This Court has considered the submissions. Both the Courts below have found from the perusal of the service book of the appellant's husband that he never reported for his duty after 12.08.1985. In these circumstances, on the principle of "No Work No Pay", the appellant or her husband were not entitled to salary. The appellant has failed to prove any evidence to prove that her husband continued to attend his duties or worked after 12.08.1985.

6. Keeping in view the aforesaid peculiar facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

(Anil Kshetarpal)
Judge

July 18, 2023
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No