

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 2389 of 2018 (O&M)

Date of Decision: 06.11.2023

Jagbiri

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ravi Malik, Advocate
for Mr. Sanjeev Kumar Panwar, Advocate
for the appellant(s).

Mr. Jaspal Singh Pannu, Assistant Advocate General,
Haryana, for the respondent No.1 to 3.

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

2. In this regular second appeal, the correctness of the concurrent findings of facts, arrived at by both the Courts below, is assailed by the plaintiff.

3. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed. The plaintiff was appointed as an Anganwari Helper. Her service was not permanent and the

same could be terminated at any point of time. It has been found by both the

Courts below that her behaviour was not good towards her superiors and she refused to abide by the directions issued by the Project Officer. Subsequently, she was transferred from Mohamadpur Centre to another Centre, however, she did join her new place of posting. This fact has been admitted by the witnesses examined by the plaintiff. The respondent called upon the plaintiff vide communication dated 03.02.2012. However, the appellant did not attend at the new place of posting. Hence, her services were dispensed with on 16.04.2012.

4. The learned counsel representing the appellant has failed to draw the attention of the Court to any substantive error in the judgments of both the Courts below.

5. Keeping in view the aforesaid 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.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

November 06, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No