

and if the plaintiff is found otherwise fit for the post, the services of the defendant no.3 will be terminated and plaintiff will be posted as Aanganwari Worker in place of defendant no.3. No mandatory relief has been sought qua the pay and hence, no pay shall be given to the plaintiff for the period already gone by before joining of services by the plaintiff as the plaintiff has not worked with the department during that period and also the pay given to the defendant no.3 shall not be recovered from her as she has worked with the department and has rendered her services. No relief qua seniority etc. has been sought, so, there are no orders in this regard. Decree-sheet be drawn accordingly and file be consigned to record room, after due compliance."

3. The first appeal preferred by appellants/defendant Nos.3 and 4 was dismissed by the learned Appellate Court vide judgment and decree dated 30.08.2023. Consequently, the instant appeal has been preferred impugning the above said judgments passed by the Courts below.
4. Learned counsel for the plaintiff/respondent No.1-Sudesh submits that in pursuance to the judgment and decree passed by the learned Civil Judge (Junior Division), Hisar dated 17.07.2013, she was offered appointment to the post of Aanganwari Worker vide appointment order dated 29.05.2014 and she joined as such, and thereafter, she has already resigned from the said post on 11.01.2019.
5. Since no one has caused appearance on behalf of the appellants, therefore, the instant appeal is dismissed for non-prosecution.

29.02.2024
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(NAMIT KUMAR)
JUDGE

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