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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****RSA-2327-2001 (O&M)
Date of Decision: 24.07.2025**

Urmila Kumari

.....Appellant

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMAPresent: Mr. Ankur Sheoran, Advocate,
for the appellant.Mr. Jasjit Singh, AAG, Haryana,
for the respondents.

SUDEEPTI SHARMA J. (ORAL)

1. The present appeal is preferred against the judgment and decree dated 18.10.2000 passed by the learned Civil Judge (Junior Division), Meham, whereby, the civil suit filed by the appellant was dismissed, as well as the judgment and decree dated 01.03.2001 passed by the learned District Judge, Rohtak, whereby, the appeal filed by the appellant challenging the judgment and decree dated 18.10.2000 passed by the learned Civil Judge (Junior Division), Meham, was dismissed.

2. Brief facts of the case as stated in the civil suit are that the appellant joined as a language teacher in Government Vocational Training Institute, Mahendergarh on 12.08.1988 on permanent basis and served there upto 31.05.1990. Thereafter, as per order dated 04.01.1990 passed by the Director Secondary Education, Haryana, the appellant joined as a Math



Teacher in the Education Department and continued to work as such. The case of the appellant is that she was selected as a Math Teacher by the Haryana Subordinate Services Selection Board, Chandigarh, and she had applied for the said post prior to her service as Language Teacher in Vocational Training Institute, Mahendergarh, and when the appellant applied for the post of Math Teacher to Haryana Subordinate Services Selection Board, she was not in service anywhere. She submitted an application to the Director Industrial Training and Vocational Education, Haryana, for relieving her from the post of Language Teacher with effect from 31.05.1990, since she was selected by the Haryana Subordinate Services Selection Board for the post of Math Teacher in Education Department, Haryana, and she joined the post on 01.06.1990. Further that pay scale/grade of both the posts of Language Teacher and Math Teacher are same and there was no break in service since 12.08.1988 but her period of service with effect from 12.08.1988 to 31.05.1990 was wrongly not included by the respondents while calculating her total service for the purposes of seniority, promotion, increment and other benefits. Her request was declined by respondent No.2 on 01.08.1994. She filed civil suit, which was dismissed by the learned Civil Judge (Junior Division), Meham, vide its judgment and decree dated 18.10.2000. She filed an appeal before learned District Judge, Rohtak, against the judgment and decree dated 18.10.2000 passed by the learned Civil Judge (Junior Division) Meham, which was also dismissed by the learned District Judge, Rohtak, vide its judgment dated 01.03.2001. Hence, the present appeal.



3. Learned counsel for the appellant contends that the judgments passed by both the Courts are against the law and facts and are liable to be set aside.

4. *Per contra*, learned counsel for the respondents submits that both the Courts have rightly dismissed the civil suit as well as appeal filed by the appellant and the present appeal filed by the appellant deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the case file with their able assistance.

6. In para 3 of grounds of appeal in the present Regular Second Appeal, the appellant herself has conceded that she is not entitled for the benefit of service rendered by her from 12.08.1988 to 31.05.1990 for the purpose of seniority, whereas, this period has to be counted for the purpose of increments and pension.

7. A perusal of the record shows that, admittedly, the appellant was appointed as a Language Teacher in Government Vocational Training Institute, Mahendergarh, with effect from 12.08.1988 to 31.05.1990, prior to the joining as a Math Mistress with effect from 01.06.1990 on her selection by the Haryana Subordinate Services Selection Board, Chandigarh. The appellant never applied for the post of Math Mistress through proper channel, rather, she resigned from her previous post and her resignation was accepted by the respondents. She joined the Education Department as a Math Mistress.



8. Reference to Rule 3.17(b) of the Punjab Civil Service Rules Volume II is made by the respondents before the learned District Judge, Rohtak. Rule 3.17(b) of the Punjab Civil Service Rules Volume II is reproduced as under:-

“Those employees who while holding temporary posts under Central/State Governments apply for post under Central/State Government direct without permission and resign their previous post to join the new appointment under the Central/State Governments will not be entitled to count their previous service for pension.”

9. Rule 3.17(b) of the Punjab Civil Service Rules Volume II, as referred to above, clearly shows that the employees who applied for the post under Central/State Government directly without permission and resign their previous post to join the new appointment under the Central/State Governments will not be entitled to count their previous service for pension.

10. Further reliance before the learned District Judge, Rohtak, is placed upon Rule 4.19 of the Punjab Civil Service Rules Volume II, as per which, the resignation from public service, to join another service without proper permission entails forfeiture of past service and no service benefit can be granted to such an employee.

11. It has been rightly held by both the Courts that the appellant is not entitled to the benefit of previous service, since both the services are of different cadre involving different pay scales. Admittedly, the appellant resigned from her previous post in the Government Vocational Training Institute, Mahendergarh and joined the Education Department, Haryana, as a

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Math Teacher, a post of different cadre and therefore, as per Rule 3.17(b) of the Punjab Civil Service Rules Volume II, as referred to above, she is not entitled to pensionary benefits.

12. In view of the above, the present appeal is **dismissed**. Judgment and decree dated 18.10.2000 passed by the learned Civil Judge (Junior Division), Meham, as well as the judgment and decree dated 01.03.2001 passed by the learned District Judge, Rohtak, are hereby upheld.

13. Decree sheet be drawn. Parties are left to bear their own costs.

14. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

24.07.2025

Virender

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No