

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. RSA-3070-2005 (O&M)
Reserved on: 22.09.2025
Date of decision: 20.11.2025
Uploaded on: 20.11.2025

STATE OF HARYANA & ORS.

..Appellants

Versus

REETA CHADHA

..Respondent

2. RSA-3335-2005

REETA CHADHA

..Appellant

Versus

STATE OF HARYANA & ORS.

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Anita Gupta, Addl. A.G., Haryana.

Mr. Amit Kumar, Advocate
for the appellant (in RSA-3335-2005)
for respondent No.1 (in RSA-3070-2005).

Mr. Balwan Singh, Advocate
Mr. Deepak Kundu, Advocate
for respondent No.3 & 4 (in RSA-3070-2005)
for respondent No.4 to 5 (in RSA-3335-2005).

SUDEEPTI SHARMA, J.

1. Since challenge in both the appeals is to judgment and decree dated 11.05.2005, passed by learned Additional District Judge, Sonapat.
2. With the consent of learned counsel for the parties, two connected appeals i.e. RSA-3070-2005 and RSA-3335-2005 shall stand

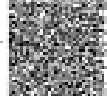


decided of by this common order. For brevity, the brief facts are taken from RSA-3070-2005.

3. The present regular second appeal is preferred against judgment and decree dated 11.05.2005, passed by learned Additional District Judge, Sonapat, whereby, the appeal filed by respondent against judgment and decree dated 07.09.2004, passed by learned Additional Civil Judge (Senior Division), Gohana was partly allowed.

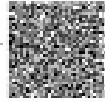
BRIEF FACTS OF THE CASE

4. Brief facts of the case as per the pleadings in the civil suit are that respondent/Reeta Chadha was appointed as Physics teacher in Bhagat Phool Singh Memorial Girls College, Kanya Gurukul, Khanpur Kalan, Tehsil Gohana (in short B.P.M.S. College) on 30.08.1976. As per the service rules and directions of the Government, the teacher who had completed the service of 5 years was entitled to the facility of Ph.D. at the expense of Government. Respondent/Reeta Chadha had already completed 9 years of her service till 1985, therefore, she also moved an application for getting permission from the Government for doing Ph.D. in Physics. The Government allowed respondent/Reeta Chadha for further study and also sanctioned her leave for 3 years from 03.11.1987 to 02.11.1990. Respondent/Reeta Chadha after getting permission from Government joined under Professor Dr. Saroj Ahmad of Delhi University and also filled up requisite documents at that time but in the year 1990 respondent/Reeta Chadha fell ill and due to that she could not complete her Ph.D. course. She moved an application for further extension of study leave, which was recommended by Dr. Saroj Ahmad but the appellant did not allow the same.



Ultimately, she joined on 03.11.1990 in B.P.M.S. College, Khanpur Kalan, Tehsil Gohana. Thereafter, the appellant issued directions to respondent/Reeta Chadha that since she failed to complete her Ph.D. course in time, therefore, she should deposit the salary for the period during which she remained on leave. And Principal started deducting the salary of 11 months after adjusting her earned leave and leave of the kind due of that period. As per the averments in the civil suit, there was no condition that she would return the salary if she failed to complete her Ph.D. course but appellants under pressure got it written that she would make the payment of requisite amount in installments of Rs.5,000/- per month. Therefore, she is not liable to pay the same. Further, she stated in the civil suit that appellants did not give her senior scale though she was entitled for senior scale and had no adverse remarks in her ACR. She served a legal notice upon appellants that they should not effect the recovery of the requisite amount from the salary and to release the senior scale and other benefits accrued with the length of service but there was no response.

Therefore, she filed civil suit challenging order dated 02.06.1999 for recovery of pay with effect from 03.11.1987 to 02.11.1990 and further for restraining the appellants to recover the amount of Rs.5,000/- per month from the salary of respondent/Reeta Chadha and for directions to refund the amount already paid along with interest at the rate of 18% per annum. And to fix her salary in accordance with 5th Pay Commission and pay the salary of 55 days already deducted by the appellants from her salary along with interest on arrears at the rate of 18%. The civil suit filed by her was dismissed by learned Additional Civil Judge (Senior Division), Gohana

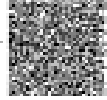


vide judgment and decree dated 07.09.2004. She filed appeal against the same, which was partly allowed by learned Additional District Judge, Sonapat vide judgment and decree dated 11.05.2005. Hence, the present Regular Second Appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

5. Learned counsel for the State contends that learned Additional District Judge, Sonapat has wrongly modified the well reasoned judgment and decree dated 07.09.2004 passed by learned Additional Civil Judge (Senior Division), Gohana. She further contends that respondent/Reeta Chadha is not entitled for the selection grade, which learned Additional District Judge held her to be entitled. She, therefore, prays that the appeal filed by the appellant-State be allowed and appeal filed by respondent-responder/Reeta Chadha be dismissed.

6. Per contra, learned counsel for respondent/Reeta Chadha contends that there is no rule regarding recovery from salary and since State Rules are applicable and both the Courts wrongly by relying upon MDU Calendar, which provide for recovery, held that there is no error in effecting recovery of the salary paid to the respondent/Reeta Chadha during her study leave period from 03.11.1987 to 02.11.1990. Further that in cases of similarly situated persons, no recovery was effected and selection grade was also granted. He further contends that no notice was issued to respondent/Reeta Chadha before recovering the amount of salary received by her during study leave. He further contends that learned First Appellate Court has wrongly partly allowed the appeal filed by the appellants and learned Additional District Judge, Sonapat has wrongly held that there is no

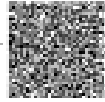


error in the impugned order, whereby, the recovery of salary already paid during the study leave was to be effected. He, therefore, prays that the appeal filed by appellant-State be dismissed and appeal filed by respondent/Reeta Chadha be allowed.

7. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

8. Admittedly, respondent/Reeta Chadha was appointed as Physics teacher in B.P.M.S college on 30.08.1976. she had gone on study leave for doing Ph.D. course of Physics with effect from 03.11.1987 to 02.11.1990 with the permission of the Government, which was to be completed within three years and she could not complete the same and applied for extension of study leave and her request for extension was rejected. Thereafter, she joined on 03.11.1990 in the same college on the same post. Vide order dated 03.06.1999, the appellants directed respondent/Reeta Chadha to refund the salary given to her during the study leave and Principal started deducting Rs.5,000/- per month from her salary as refund of study leave.

As per the record, B.P.M.S. College, Khanpur Kalan, Tehsil Gohana is affiliated with Maharshi Dayanand University, Rohtak, therefore, the service rules of Maharshi Dayanand University were applied and Ex.DE shows that teacher who is unable to complete the study within the period of study leave granted to him/her or failed to rejoin the services of the University on the expiry of his/her study leave or rejoins the service of University but leaves the services without completing the prescribed period of service after rejoining the service or within the said period his/her services are terminated or he/she is removed, then he/she is liable to refund



the amount of salary, the said employee has taken during the study period. Therefore, it is rightly held by learned Additional District Judge, Sonapat that since respondent/Reeta Chadha failed to complete her study i.e. Ph.D. course in Physics during three years of study leave she is liable to return the salary, which she was paid during the said period.

9. A further perusal of the record shows that at the time of proceeding on study leave she had given undertaking (Ex.PB) in writing that she will serve the institution after completing her study and if she fails to rejoin the service or to complete her course then she is liable to refund the salary, which she will get during the study leave. Therefore, she is bound by the undertaking and was rightly held to be liable to refund the salary, which she was paid for the period 03.11.1987 to 02.11.1990. A consent letter of respondent/Reeta Chadha (Ex.DA) is also part of the record, which is given by her in undertaking that the amount of Rs.5,000/- may be deducted from her salary with effect from 01.01.2000 against the due amount on account of salary for the period of study leave.

10. So far as the question of recovery effected from the respondent/Reeta Chadha is concerned that has been rightly decided by learned Additional District Judge, Sonapat. Therefore, the regular second appeal (RSA-3335-2005) filed by respondent/Reeta Chadha challenging this portion of the judgment passed by learned Additional District Judge, Sonapat deserves to be **dismissed**.

11. Now coming to the challenge of the State-appellant on the question of grant of selection grade to the respondent/Reeta Chadha. A perusal of the record shows that the appellants-State considered the case of



respondent/Reeta Chadha for giving senior scale to her and orders of competent authority are part of record but despite that Principal of B.P.M.S. College did not release the salary on the basis of senior scale to her. And once the competent authority has sanctioned and allowed the senior scale to her then she is entitled for the salary on the basis of senior scale but the principal of college did not consider this fact and did not release the salary on the basis of senior scale to her. A perusal of record also shows that selection grade was restored to be given to respondent/Reeta Chadha from 30.07.1997.

12. In view of the same, learned Additional District Judge, Sonapat has rightly modified the judgment and decree dated 07.09.2004 and directed the **appellants-State** to release the salary of respondent/Reeta Chadha on the basis of senior scale in compliance of letter (Ex.DC) dated 17.11.1993 including arrears and other benefits of service. Therefore, the regular second appeal (RSA-3070-2005) filed by the **appellant-State** deserves to be **dismissed**.

13. In view of the above facts and discussion, I do not find any infirmity or illegality in the judgment and decree dated 11.05.2005, passed by learned Additional District Judge, Sonapat and the same is hereby upheld.

14. Consequently, both the appeals i.e. RSA-3070-2005 and RSA-3335-2005 are hereby **dismissed**. Parties are left to bear their own costs.

15. Decree sheet be drawn.

20.11.2025

(SUDEEPTI SHARMA)
JUDGE

Ayub

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No