



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA-2127-2013 (O&M)
Reserved on: 02.09.2025
Date of decision: 15.09.2025**

THE MANAGING COMMITTEE & ANR.

..Appellants

Versus

BALJINDER SINGH AND ORS.

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ram Lal Gupta, Advocate
for the appellants.

Mr. Rishu Garg, Advocate
for respondent No.1.

SUDEEPTI SHARMA, J.

1. The present appeal is preferred against judgment and decree dated 10.01.2012 passed by Civil Judge (Junior Division), Bathinda, whereby, the civil suit filed by respondent No.1 was decreed in his favour and judgment and decree dated 19.11.2012, whereby, appeal filed by the appellant against judgment and decree dated 10.01.2012 was dismissed by District Judge, Bathinda.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in civil suit are that respondent joined as D.P.E. on 15.07.2002 on temporary basis in Khalsa Senior Secondary School, Bathinda, which is aided school and is getting grant-in-aid to the extent of 95% from the State of Punjab. The respondent-



Baljinder Singh was getting consolidated pay of Rs.3,000/- per month. Thereafter, he was engaged as D.P.E. on permanent basis by Managing Committee vide resolution No.193 dated 15.01.2006 on fixed pay of Rs.4,500/- per month and entry in this regard was also made in service book of respondent No.1. It is alleged in the civil suit that the Managing Committee was annoyed with the respondent No.1 since he gave statement against the Management before Senior Superintendent of Police, Bathinda with regard to one dispute between teacher and the clerk and consequently he was not allowed to join his duty as D.P.E. in the school with effect from December, 2006. He made written requests to District Welfare Officer, Bathinda but there was no response. Ultimately, he approached this Court by way of filing writ petition i.e. CWP-2777-2007, which was withdrawn with liberty to file civil suit on the same cause of action. Therefore, he filed civil suit before Civil Judge (Junior Division), Bathinda, who vide its judgment and decree dated 10.01.2012 decreed the suit in his favour. The appellant filed appeal against judgment and decree dated 10.01.2012, which was dismissed by District Judge, Bathinda vide its judgment and decree dated 19.11.2012. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

3. Learned counsel for the appellant contends that both the Courts did not properly appreciate the version in written statement filed by the appellant. He further contends that respondent No.1 was engaged against unaided post and before his engagement, neither the post was advertised nor any demand sent to the employment exchange. Further, there was no approval from the D.P.I. or D.E.O regarding his engagement and he was not



engaged at any point of time in any pay-scale and there was no permanent post of D.P.E. in the school.

4. Per contra, learned counsel for respondent No.1 contends that civil suit filed by respondent No.1 has rightly been decreed in his favour by Civil Judge (Junior Division) Bathinda vide its judgment and decree dated 10.01.2012 and the appeal filed against judgment and decree dated 10.01.2012 has rightly been dismissed by District Judge, Bathinda vide its judgment and decree dated 19.11.2012.

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

ANALYSIS OF RECORD:

6. A perusal of the record shows that admittedly, respondent No.1 was engaged against unaided post on contractual basis on a fixed pay. He was never engaged permanently since there was no permanent post of D.P.E. in the school. No procedure was adopted by the management at the time of engagement as required to be adopted in case of engagement of aided post. The respondent No.1 was engaged vide resolution No.193 dated 15.01.2006 on fixed pay of Rs.4,500/- per month and he was not getting any pay-scale. As held by both the Courts that no show cause notice was given, nor any order of his termination was passed is concerned, that is not acceptable to this Court, since the respondent No.1 was engaged on purely contractual basis against unaided post and by way of resolution. There was no advertisement and proper procedure was not followed while engaging respondent No.1. Further, once admittedly respondent No.1 was not engaged after following proper procedure and was engaged against unaided post, which is creation of management itself and for which no grant is received by



the management, the management can remove the person without any show cause notice.

DECISION:

7. In view of the above, the present appeal is hereby allowed.

Accordingly, the judgment and decree dated 10.01.2012 passed by Civil Judge (Junior Division), Bathinda and judgment and decree dated 19.11.2012 passed by District Judge, Bathinda are set aside.

8. Decree sheet be drawn.

9. Pending miscellaneous application(s), if any, are also disposed of.

September 15th, 2025

Ayub

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*