



In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 3818 of 2018 (O&M)

Date of Decision: 16.01.2025

Suraj Bhan and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sushil Jain, Advocate
for the appellant(s).

Mr. Shivendra Swaroop, Deputy Advocate General,
Haryana, for respondent No.1.

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. The correctness of the concurrent findings of fact arrived at by both the Courts below is assailed by the plaintiffs. Their suit for grant of decree of declaration, mandatory injunction and permanent injunction has been dismissed by both the Courts below.

3. In substance, the plaintiffs claim to be the temporary employees of defendant No.2-University and pray for issuance of a direction to regularize their services. Upon appreciation of the evidence, both the Courts

below have come to a conclusion that the plaintiffs are not proved to be the employees of the University, whereas they are working in the various hostel messes which are run by the Students' Council on cooperative basis. It has come on the record that the plaintiffs are being paid by the Students' Council and not by the University.

4. Though the learned counsel representing the appellants made a sincere attempt, however, he failed to draw the attention of the Court to any substantive error in evaluating the evidence or perversity in the judgment passed by 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

January 16, 2025

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No