

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3906-2007

KANTA

..Appellant

Versus

STATE OF HARYANA & ORS.

..Respondents

Reserved on: 19.11.2025

Date of decision: 28.01.2026

Uploaded on: 28.01.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Amit Jaiswal, Advocate
for the appellant.

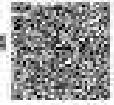
Mr. Harish Nain, AAG, Haryana

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred challenging judgment and decree dated 19.01.2007, passed by learned Civil Judge (Junior Division), Ambala City, whereby, the civil suit filed by the appellant was dismissed as well as judgment and decree dated 28.07.2007, passed by learned District Judge, Ambala, whereby the appeal filed by the appellant against judgment and decree dated 19.01.2007, was also dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that the appellant was appointed as Matron by Deputy Commissioner, Ambala on 13.07.2000 in Central Jail, Ambala on temporary basis through employment exchange. She worked as Matron from 13.07.2000 to 19.09.2002 on 89 days basis. Her services were terminated on 19.09.2002.

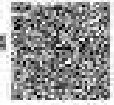


Thereafter, the appellant served legal demand notice under Industrial Disputes Act, 1947 asking for reinstatement. The Labour Court turned down the references holding that the case does not fall under the provisions of Industrial Disputes Act, 1947, hence, the reference is not maintainable. Consequently, declined to adjudicate the matter and adjudication was published on 29.08.2005, which was also conveyed to the appellant. It was the averment made by the appellant that she rendered her services for more than 240 days, therefore, fully entitled to reinstatement and termination order was illegal. She filed civil suit challenging the termination order dated 19.09.2002. The civil suit filed by her was dismissed by learned Civil Judge (Junior Division), Ambala City vide judgment and decree dated 19.01.2007. She filed appeal against the same, which was also dismissed by learned District Judge, Ambala vide judgment and decree dated 28.07.2007. Hence, the present Regular Second Appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellant contends that both the Courts have wrongly dismissed the civil suit filed by the appellant as well as the appeal filed by her. He further contends that both the Courts have ignored that after giving the initial appointment for 89 days, no fresh appointment letter was issued to the appellant and she was allowed to continue in service for more than two years, which tantamount to her absorption in service. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for respondents contends that she was appointed for 89 days, therefore, her services were rightly terminated. He, therefore, prays that the present appeal be dismissed.



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

6. Admittedly, the appellant was appointed as Matron on 13.07.2000 on temporary basis for 89 days. She worked as such from 13.07.2000 till 19.09.2002. Since, she was engaged purely on temporary basis for 89 days, therefore, her appointment was neither against regular vacancy nor through a regular mode of recruitment, therefore, both the Courts have rightly dismissed the civil suit as well as the appeal filed by the appellant.

DECISION

7. In view of the same, I do not find any infirmity and illegality in judgment and decree dated 19.01.2007, passed by learned Civil Judge (Junior Division), Ambala City and judgment and decree dated 28.07.2007, passed by learned District Judge, Ambala and the same are hereby upheld.

8. Accordingly, the appeal is **dismissed**. Parties are left to bear their own costs.

9. Decree sheet be drawn.

28.01.2026

Ayub

**(SUDEEPTI SHARMA)
JUDGE**

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