

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-437-2007 (O&M)

EXECUTIVE ENGINEER, HSEB AND ORS.

..Appellants

Vs.

MONA DEVI

..Respondent

Reserved on: 12.11.2025

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. Rajesh K. Sheoran, Advocate
Mr. Hardeep Singh Poonia, Advocate
for the appellants.

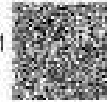
Mr. Deepak Sonak, Advocate for respondent.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 10.10.2005 passed by learned Civil Judge (Junior Division), Palwal and judgment and decree dated 13.09.2006 passed by learned Additional District Judge (II), Faridabad, whereby Civil Suit filed by the respondent was allowed in his favour and the appeal filed by the appellants was dismissed.

Brief facts of the case:

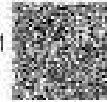
2. Brief facts of the case as per the civil suit are that respondent was appointed as work charge sweeper on 21.12.1977. Her services were terminated on 16.09.1981, therefore, she filed civil suit. On 16.09.1981 itself, the Court of learned Sub Judge, First Class, Palwal, restrained the appellants from terminating the services of the respondent. During the



pendency of the aforesaid suit, appellants made a statement before the Court on 04.02.1983 that whenever a new vacancy would arise respondent would be considered at priority and on that statement, the respondent withdrew her suit. Thereafter, two vacancies of sweeper were created by the appellants and respondent made many representations to consider her for the post of sweeper in view of the Civil Court judgment but the appellants never considered her for the post of sweeper against two vacancies. She was engaged and appointed on part time basis in the year 1987-88 and since then she was working on part time basis regularly without any interruption and there is no adverse remarks against her during her service period. It was averred in the civil suit that appellants threatened her to terminate her services and that appellants-defendants withheld the salary of respondent for the month of May, 1998, June, 1998 and July 1998 just to pressurize her to leave the service. She kept on requesting the appellants to appoint her on regular basis but the request was not replied to, therefore, she filed civil suit, which was decreed in her favour vide judgment and decree dated 10.10.2005 passed by learned Civil Judge (Junior Division), Palwal. The appellants filed appeal against judgment and decree dated 10.10.2005 passed by learned Civil Judge (Junior Division), Palwal, which was dismissed vide judgment and decree dated 13.09.2006 passed by learned Additional District Judge (II), Faridabad. Hence, the present appeal.

Submissions of learned counsel for the parties:

3. Learned counsel for the appellants contends that both the Courts have wrongly allowed the civil suit filed by the respondent and dismissed the appeal filed by the appellants. He further contends that both the Courts have erroneously relied upon a policy letter dated 30.12.1998 since the case



of respondent is not covered by the policy and that the part time worker cannot be regularized. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for respondent contends that both the Courts have rightly decreed the civil suit filed by the respondent and dismissed the appeal filed by the appellants. He further contends that despite stay order granted by this Court while admitting the present appeal, the respondent is still working as sweeper. He, therefore, prays that the present appeal be dismissed.

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

6. A perusal of file shows that vide order dated 09.02.2007, operation of impugned judgment was stayed. As per the statement made by learned counsel for respondent, the respondent is working till date without any interruption, this fact is not disputed by learned counsel for the appellants.

7. Since, the respondent is working from 12.12.1977 till date continuously, therefore, the present appeal deserves to be dismissed.

8. Accordingly, the present appeal is **dismissed**. Consequently, the judgment and decree dated 10.10.2005 passed by learned Civil Judge (Junior Division), Palwal and judgment and decree dated 13.09.2006 passed by learned Additional District Judge (II), Faridabad are affirmed.

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

28.01.2026

Ayub/Saahil

**(SUDEEPTI SHARMA)
JUDGE**

*Whether Speaking : Yes/No
Whether Reportable : Yes/No*