



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-2643-2008 (O&M)

State of Haryana & anr.

.....Appellants

vs.

Murti Devi and anr.

.....Respondents

Date of Reserve: 28.01.2026

Date of Pronouncement: 30.01.2026

Uploaded on:- 04.02.2026

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. Harish Nain, AAG, Haryana.

Mr. Manoj Tanwar, Advocate
for respondent No. 1.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred by State of Haryana against judgment and decree dated 09.04.2008 passed by learned District Judge, Jhajjar whereby the appeal filed by respondent No. 1/plaintiff against the judgment and decree dated 23.08.2003 passed by learned Civil Judge (Jr. Divn) Jhajjar, was allowed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per civil suit are that respondent No. 1/plaintiff was appointed as part-time water carrier by Sub Divisional Education Officer, Jhajjar through employment exchange on 25.04.1990 in Government Middle School, Jhajjar vide order No. E-3-90-784-787. She was thereafter transferred from Govt Midle School, Yakubpur to Govt. Middle School, Jaitpur on



22.12.1985. Respondent No. 1/plaintiff was habitual in remaining absent from duty. The appellants sent a show cause notice on 10.02.1998 to her mentioning her absent from 05.12.1997. Another show cause notice dated 28.02.1998 was sent to her by the appellant for her absence but respondent No. 1 did not turn up and remained absent. On account of long absent service of respondent, she was terminated on 21.05.1998.

3. Respondent No. 1/plaintiff filed civil suit for declaration on 01.04.1999 that her services as water carrier in Government Middle School, Jaitpur, Tehsil and District Jhajjar be regularized and for permanent injunction restraining the appellants/defendants from terminating her service. The same was dismissed, vide judgment and decree dated 23.08.2003 passed by learned Civil Judge (Jr. Divn), Jhajjar. Respondent No. 1/plaintiff filed appeal against the same, which was allowed vide judgment and decree dated 09.04.2008 passed by learned District Judge, Jhajjar. Hence, the present Regular second appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

5. Learned counsel for the appellants contends that the appeal filed by respondent No. 1/plaintiff has been wrongly allowed since respondent No. 1/plaintiff was terminated on 21.05.1998. He further contends that learned District Judge, Jhajjar has wrongly set aside the well reasoned judgment and decree dated 23.08.2003 passed by learned Civil Judge (Jr. Divn), Jhajjar. He, therefore, prays that the present Regular second appeal be allowed.

6. Per contra, learned counsel for the respondents contends that learned District Judge, Jhajjar has rightly allowed the appeal filed by the respondent. He, therefore, prays that the present Regular second appeal be dismissed.

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



8. Vide order dated 12.05.2009, the operation of impugned judgment and decree was stayed during the pendency of the appeal

9. A perusal of the record shows that respondent No. 1/plaintiff was appointed as water carrier on part time basis through employment exchange on 25.04.1990. Further the appointment letter dated 25.04.1990 (Ex P1) shows that the services of respondent No. 1 can be terminated at any point of time. The reason for challenging the termination order in the civil suit was that it was passed without holding any enquiry and she was not given any opportunity of hearing before termination. Therefore, the service of respondent No. 1/plaintiff who was working as part time employee, were terminated vide order dated 21.05.1998, as she remained absent from duty.

10. A perusal of the judgment and decree dated 09.04.2008 shows that on one hand, learned District Judge, Jhajjar has held that service of respondent No. 1/plaintiff could be terminated at any point of time as per her appointment letter and further that no enquiry was necessary to bring the service of part time employee to an end whereas on the other hand, the services of respondent No. 1 were regularized in view of letter dated 19.12.1980 and granted her back wages as well w.e.f. 21.05.1998. She was further treated to be continuous in service ignoring the impugned order dated 21.05.1998.

11. Respondent No. 1/plaintiff was engaged as part time water carrier and her services were terminated on 21.05.1998 and thereafter she filed civil suit after a gap of almost 1 year of her termination order on 01.04.1999. Since as per her appointment letter, the respondent/plaintiff could be terminated at any point of time and as per record, she was in the habit of remaining absent from duty, therefore, the learned District Judge, Jhajjar has wrongly allowed the appeal filed

by her. Her civil suit was rightly dismissed vide judgment and decree dated



23.08.2003 passed by learned Civil Judge (Jr. Divn), Jhajjar, as there was no illegality in the termination order.

CONCLUSION

12. In view of the above, the present appeal is ***allowed*** and judgment and decree dated 09.04.2008 passed by learned District Judge, Jhajjar is set aside and judgment and decree dated 23.08.2003 passed by learned Civil Judge (Jr. Divn) Jhajjar is affirmed.

13. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

14. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

30.01.2026
Gaurav Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes