

**RSA-1179-2009****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****RSA-1179-2009 (O&M)****Date of Decision: 28.07.2025**

State of Punjab and ors.

.....Appellants

vs.

Usha Ohri

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMAPresent: Mr. Animesh Sharma, Addl. A.G. Punjab
for the appellants.Mr. Prateek Mahajan, Advocate
for the respondent.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 22.11.2006 passed by learned Addl. Civil Judge (Sr. Divn.) Amritsar whereby the civil suit filed by the respondent was decreed in her favour and judgment and decree dated 05.11.2008 passed by learned Addl. District Judge, Amritsar whereby the appeal filed by State of Punjab was dismissed.

2. Brief facts of the case as per civil suit are that the respondent joined Tourism Department as Guide-cum-Clerk on 23.03.1976 and was promoted as Reception Officer on 20.04.1983. However, on allegations of absence from duty, explanation was called from the respondent, who filed detailed reply but without considering her reply and affording any opportunity of being heard, major punishment was imposed upon her by reverting her to the post of Reception Officer from Tourist Officer, vide office order dated 06.03.2002. Further, order dated 11.07.2002 was passed placing the respondent under

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suspension without any justification and without any cogent reason. Vide order dated 16.07.2002, the respondent was reinstated in service. Thereafter, order dated 18.07.2002 of premature retirement was passed. The respondent then filed civil suit challenging the order dated 06.03.2002 vide which she was reverted to the post of Reception Officer from Tourist Officer and order dated 18.07.2002 vide which she was prematurely retired. The civil suit was decreed in her favour vide judgment and decree dated 22.11.2006 passed by learned Addl. Civil Judge (Sr. Divn.) Amritsar. The appellant filed appeal against the said judgment and decree, which was dismissed vide judgment and decree dated 05.11.2008 passed by learned Addl. District Judge, Amritsar. Hence the present appeal.

3. Learned counsel for the appellants contends that both the Courts failed to appreciate the evidence on record while deciding the civil suit and while dismissing the appeal filed by the appellants. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondent contends that the civil suit filed by the respondent has rightly been decreed in her favour. He further argued that the appeal filed by the State of Punjab has also rightly been dismissed. He, therefore, prays that the present regular second 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 the record shows that the respondent was reverted to the post of Reception Officer from Tourist Officer on 06.03.2002. Thereafter, on 11.07.2002, she was placed under suspension without any justification and without any reason. The order dated 11.07.2002 was revoked within 05 days and she was reinstated in service vide order dated 16.07.2002. Vide order dated 18.07.2002, she was prematurely retired. No show cause notice was served upon the respondent and

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no opportunity of being heard was given to her while passing the impugned orders. The respondent placed on record letter dated 04.09.2001 which was marked as Ex P1, vide which her services were put to an end by retiring her prematurely on 04.09.2001. This order was unsigned. The appellants did not deny the existence of letter dated 04.09.2001 but stated that order is not available and when Narinder Singh was examined as DW1, he did not deny the existence of letter dated 04.09.2001. The respondent was actually prematurely retired on 18.07.2002 i.e. almost one year after posting of letter dated 04.09.2001 (Ex P1). Thereafter, certain reports regarding the absence of the respondent from duty were made. The Addl. Secretary, Addl. Affairs and Director Tourism, Punjab has written letter to the Secretary to Government of Punjab, Department of Tourism, Chandigarh on 03.09.2002, which is exhibited as PW2/B. The same is reproduced as under:-

"Considering the submission and her claim, it is worth while to note that the Deputy Director Tourism who had processed the whole case to got retired prematurely the petitioner, could not give me the suitable reply neither he had sent the proposal in the Office of the Director Tourism in a right way alongwith this it is pertinent to note that the claim submitted by the petitioner has been supported by the various Annexure as enclosed here. So prima facie it appears that the Deputy Director Tourism had mislead and misinformed, the Director in passing the order regarding the premature retirement of Mrs. Usha Ohri, formal Reception Officer."

7. As per record, order pertaining to premature retirement of the respondent was not passed with the approval of the competent authority i.e the Secretary, Tourism and Cultural Affairs, Government of Punjab. Further that adverse remarks recorded in the ACR of the respondent were not communicated to her. She was promoted in the year 2001. There was no denial to the existence of letter dated 04.09.2001 by the appellants, which was unsigned and vide order dated

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18.07.2002, she was prematurely retired. Reversion of the respondent from the post of Tourist Officer, vide order day 06.03.2002 is passed on the same date when reply was filed by the respondent. The reply filed by the respondent was not even considered. She was placed under suspension on 11.07.2002 and after 05 days, she was reinstated, vide order dated 16.07.2002. After 02 days i.e on 18.07.2002, the work and conduct of the respondent was found to be not satisfactory and order of premature retirement was passed against her without giving any show cause notice and without following the principles of natural justice.

8. A perusal of the record further shows that there is no base of any of the orders and no show cause notice and personal hearing was given to the respondent. Even the reply filed by her was not considered. A perusal of the dates of the impugned orders show that they are passed without any application of mind.

9. In view of the above, I do not find any infirmity in the judgment and decree dated 22.11.2006 passed by learned Addl. Civil Judge (Sr. Divn.) Amritsar as well as judgment and decree dated 05.11.2008 passed by learned Addl. District Judge, Amritsar and the same are upheld. Accordingly, the present regular second appeal is dismissed.

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

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

(SUDEEPTI SHARMA)
JUDGE

July 28, 2025

Gaurav Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes