



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-4087-2015 (O&M)

Date of Reserve:-22.08.2025

Date of Pronouncement:-05.09.2025

Daya Wanti

.....Appellant

vs.

State of Haryana & ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Piyush Mittal, Advocate for
Mr. Arpandeeep Narula, Advocate
for the appellant.

Mr. Ram Karan Sharma, DAG, Haryana

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 24.12.2012 passed by learned Civil Judge (Jr. Divn.), Sirsa, whereby the civil suit filed by the appellant was dismissed and judgment and decree dated 10.11.2014 whereby the appeal filed by her, challenging the judgment and decree dated 24.12.2012, was dismissed by learned District Judge, Sirsa.

FACTS NOT IN DISPUTE

2. Brief facts of the case as per civil suit are that the appellant was transferred from Government Girls Primary School, Village Ali Mohammad to Government Girls Primary School No.1, Sirsa, vide order dated 18.07.2008 and in compliance of the said order, District Elementary Education Officer, Mini Sectt, Sirsa passed order dated 28.07.2008, against which appellant made written request to Head Master, Govt. High School, Village Ali Mohammad, District Sirsa on 02.08.2008 to relieve her, so that she could join the Government Girls Primary



School No.1, Sirsa but Head Master, Govt. High School, Village Ali Mohammad, District Sirsa did not relieve her. Thereafter, she filed representation to the higher authorities on 08.08.2008, 11.08.2008, 16.08.2008 and on 28.08.2008 but Head Master, Govt. High School, Village Ali Mohammad, District Sirsa did not relieve the appellant and ultimately she was relieved by the Deputy District Education Officer, Sirsa on 28.08.2008. Thereafter, Head Master, Govt. High School, Village Ali Mohammad, District Sirsa issued a letter dated 06.09.2008 to the appellant as to why the examination duty days should not be treated as non-qualifying period as the appellant was absent from duty during the period 27.04.2007 to 24.04.2008 for 19 ½ days. The appellant gave a detailed reply denying the absence period. As per pleadings, Head Master, Govt. High School, Village Ali Mohammad, District Sirsa without considering her reply and passing any order, deducted her salary for 19 ½ days in the month of August, 2008 and an entry in this regard was also made in her service book and personal file.

3. The appellant filed civil suit challenging the order vide which deduction was made on the ground that she had availed different casual leaves during the period 27.04.2007 to 24.08.2008, which were sanctioned by Head Master, Govt. High School, Village Ali Mohammad, District Sirsa. The civil suit filed by her was dismissed, vide judgment and decree dated 24.12.2012 passed by learned Civil Judge (Jr. Divn.), Sirsa and appeal filed against the same was also dismissed, vide judgment and decree dated 10.11.2014 passed by District Judge, Sirsa. Hence, the present Regular second appeal

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

4. Learned counsel for the appellant contends that no personal hearing was given to the appellant before passing the impugned order. He further contends that no speaking order was passed for deduction of salary for 19 ½ days. Further



no salary was granted for 24 days during which she was on examination duty. He, therefore, prays that the present appeal be allowed.

5. Per contra, learned State counsel contends that there are concurrent findings against the appellant and both the Courts have rightly dismissed the civil suit as well as the appeal filed by the appellant. He, therefore, prays that the present appeal be dismissed.

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

Analysis of the Record

7. DW1, tendered his evidence by way of affidavit Ex. DA and also tendered documentary evidence from Ex. D1 to D5. In his cross-examination, he admitted that the appellant was issued a notice Ex.P8, which she had replied vide letter Ex.P9. He admitted that Head Master, Govt. High School, Village Ali Mohammad, District Sirsa had not issued any order regarding the deduction of casual leaves of the appellant, but further stated that it was done because appellant had not duly applied for her casual leaves and her leaves were not sanctioned. Therefore, her salary was stopped. Further, he has no knowledge if the appellant was given any opportunity for personal hearing about the matter of deducting her casual leaves but further deposed that the order book contains every particular of an employee about the notice and stoppage of the salary. He further stated that on 18.02.2008, Head Master, Govt. High School, Village Ali Mohammad, District Sirsa passed an order, vide which the appellant was asked to join her examination duty at Khalsa School, and the husband of the appellant had requested for the same. However, her duty was ordered by Board at Jodhkan. He further deposed that appellant had not shown any slip regarding her being on duty at the Khalsa school nor was any letter received from the Khalsa school regarding the



examination duty of the appellant. Further that the salary of the appellant could only be released on her having submitted the duty slip and that the salary of the appellant has not been deducted but it was only stopped, which could be got released after obtaining approval from the competent authority. He further stated that if the appellant still applies for the sanction of her leaves then she can still receive her salary.

8. A perusal of the record shows that the appellant did not obtain sanction from the competent authority for her casual leaves. She could obtain requisite sanction from the competent authority for casual leave for 19 ½ days and examination duty for 24 days. She failed to produce any duty slip regarding the examination duty conducted by her. Throughout the evidence, the respondents had been asking the appellant to bring the requisite sanctions even at that point of time to get her salary released but she failed to produce the sanction from the competent authority for her casual leaves as well as examination duty conducted by her. There is nothing on record to show that the sanction was obtained by the appellant. Further DW1 categorically stated that the salary of the appellant was not deducted but it was only stopped and the same could be released even then, if she could obtain the requisite sanctions of higher authorities as per requirement. Since the salary of the appellant was not deducted and it was only stopped, even before the First Appellate Court, the appellant could not produce the sanction orders of competent authority, so that her salary be released. Therefore, the civil suit filed by the appellant has rightly been dismissed, vide judgment and decree dated 24.12.2012 as well as appeal filed against the same was also dismissed by learned District Judge, Sirsa, vide judgment and decree dated 10.11.2014.



CONCLUSION

9. In view of the above, I do not find any infirmity in the judgment and decree dated 24.12.2012 passed by learned Civil Judge (Jr. Divn.), Sirsa and judgment and decree dated 10.11.2014 passed by learned District Judge, Sirsa.
10. Accordingly, the present Regular second appeal is dismissed.
11. Parties are left to bear their own costs. Decree sheet be prepared accordingly.
12. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

05.09.2025

Gaurav Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes