

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.18387 of 2010

Date of Decision : 20.1.2015

Meenu Bhatti

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present: None for the petitioner.

Mr. Nilesh Bhardwaj, DAG, Punjab.

.....

MAHESH GROVER.J.

There is no representation on behalf of the petitioner.

Quite a few previous orders show a similar situation. The Court has perused the petition and the reply filed thereto. The grievance of the petitioner is that she was appointed on 21.12.2006 as Punjabi Teacher (Mistress). The advertisement in response to which she had applied and was selected prescribed Punjabi as one of the elective subjects. On discovery that the petitioner did not possess Punjabi in graduation course, her services were dispensed with on 28.12.2006 i.e. barely a week after her joining. She preferred a writ petition bearing No.282 of 2007 and during the pendency of the writ petition the respondents took a conscious decision to permit all the candidates who were

having Punjabi either as a compulsory or as elective subject during the graduation. In view of this decision the petitioner was also given an offer to join which she accepted and the writ petition was disposed of as having become infructuous vide order dated 6.2.2008.

The petitioner upon getting her assignment back got all service benefits except monetary consequences related to pay which is now a cause of grievance in this petition. She claims pay from 21.12.2006 till the date when she was taken back in service.

On due consideration, I am of the view that the petitioner did not submit to any work during this period, and therefore the pay has been rightly withheld. As per the advertisement she was indeed not entitled to appointment because of the deficiency in qualification of Punjabi as an elective subject in graduation course. A decision of the respondents to relax such a condition and applying it across the board was taken of which the petitioner was a beneficiary. If that be so, then such a beneficial decision which was taken by the respondents entitling the petitioner to service which she might not have otherwise got, cannot justifiably result in acceptance of the prayer of the petitioner for the monetary consequences for the period during which she has not worked.

It has been brought to the notice of the court by the learned counsel appearing for the State of Punjab on instructions from Shri Tirath Ram, L.A. of D.E.O.Office, Jalandhar that the petitioner has been paid the salary for the period during which she worked and has also been given the benefits of seniority etc. Since the petitioner cannot legitimately agitate for pay of the period during which she had not worked, therefore, the instant petition does not merit any interference.

Dismissed.

20.1.2015
dss

(MAHESH GROVER)
JUDGE