

In the High Court of Punjab and Haryana at
Chandigarh.

CWP-25839-2015

Date of decision : 10.12.2015

NEENA CHAUDHARY

Petitioner

Vs.

UNION OF INDIA & ORS.

Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL.

Present:- Mr. Gourave Bhayyia Gilhotra, Advocate,
for the petitioner.

LISA GILL, J. (Oral)

Prayer is for quashing of impugned order dated 23.11.2015 (Annexure P-27) wherein petitioner's services have been dispensed with, being declared surplus. Petitioner further prays for direction to the respondent – college to promote the petitioner in accordance with Service Rules and Guidelines of Central Council of Indian Medicine.

Admittedly, an alternate efficacious remedy of appeal is available to the petitioner. It is noticed that there is a conspicuous absence of an averment in the writ petition that the petitioner does not have any other efficacious alternative remedy.

Relevant part of impugned order dated 23.11.2015

reads as under:-

“Kindly find enclosed the copy of decision taken, which is self-explanatory.

Your services are ordered to be dispensed with being surplus in your respective department.

You also reserve your right that in case any vacancy arises out in your concerned department, you shall have first priority to join in the said department and also to file an appeal of this orders as per provisions of Service Conduct Rules of 2004 of Shri Dhanwantry Educational Society.

In case of any clarification, query and claim you may contact the office / accounts department within 7 (Seven) working days of the issue of this order. A cheque no. 705020 dated 23.11.2015 drawn with IoB towards one month Salary in lieu of Notice period and up to date salary due is enclosed herewith.”

Learned counsel for the petitioner vehemently argues that appeal before the Central Council of Indian Medicine is not an efficacious remedy. Petitioner is being subjected to

harassment and vendetta. Filing of appeal before the Central Council of Indian Medicine will be an exercise in futility. The matter would be kept pending for a long time causing grave injustice to the petitioner. However, learned counsel is unable to substantiate this contention in any manner.

Keeping in view the fact that an efficacious remedy of appeal under the Service Conduct Rules, 2004 of Shri Dhanwantry Educational Society is available, present writ petition is not maintainable. Petitioner, if so advised, may avail alternate remedy of appeal available to her.

In case, appeal is filed within two weeks, it is expected that appellate authority would decide the same expeditiously in accordance with law.

Disposed of accordingly.

(LISA GILL)
JUDGE

December 10, 2015.
Anoop