

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

LPA No. 531 of 2015 (O&M)

DATE OF DECISION : 06.10.2015

Pooja Rani

.... APPELLANT

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Yesh Paal Malik, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 16.01.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 2345 of 2013) filed by the appellant challenging the order dated 12.07.2007 (Annexure P-5), vide which the claim for continuity of service and other consequential benefits, has been dismissed.

Though there is delay of 29 days in filing the appeal and the appellant has filed application (CM No. 1110-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single Judge.

In this case, on 15.01.1997, the appellant was appointed as Lecturer in Hindi on contract basis through Departmental Selection Committee. She joined her duties on 23.01.1997, and was removed from service on 26.04.1997. The appellant along with other persons challenged their removal from service by filing CWP No. 4820 of 2005, which was disposed of on 24.03.2005 with a direction to the respondents to take a decision on the representation submitted by them. In compliance with the said order, vide order dated 21.12.2005, the appellant was given re-employment on contract basis with a condition that no other benefit will be given for the previous service rendered by her on contract basis. In pursuance of the said order, the appellant joined her duties without any protest. However, subsequently she filed CWP No. 595 of 2007 claiming continuity of service, on the ground that this benefit was granted by this court to other similarly situated persons. The said writ petition was disposed of vide order dated 16.01.2007 with a direction to the respondents to decide the representation of the appellant within a period of three months. Vide order dated 12.07.2007, the representation of the appellant was considered and rejected. It is an undisputed fact that the appellant did not challenge the said order for six years and in the year 2013, the said order was challenged by filing CWP No. 2345 of 2013, which has been dismissed by the learned Single Judge vide impugned order dated 16.01.2015, on the ground of delay and laches only.

After hearing learned counsel for the appellant and going through the impugned order, we are of the opinion that not only the writ petition filed by the appellant was suffering from laches, but even on merits, the appellant was having no case. She had rendered only three months of service in the year 1997 and thereafter, she was re-employed in December, 2005. Neither the said period of three months nor the period from 26.04.1997 (the date on which the appellant was removed from service) to 21.12.2005 (the date on which the appellant was re-appointed) can be counted for any purpose, because in the order dated 21.12.2005, vide which the appellant was re-appointed, it was specifically mentioned that no other benefit will be given for the previous service rendered by her on contract basis. Even otherwise also, when the appellant did not work for the said period, no benefit can be granted to her for the same. Thus, in our opinion, the claim of the appellant for continuity of service and other consequential benefits has rightly been rejected by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

October 06, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE