

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

**Civil Writ Petition No.18065 of 2013
Date of Decision: 04.10.2016**

Raveenpreet Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Binderjit Singh, Advocate for the petitioner.

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (Oral)

The petitioner was offered contractual appointment as a Computer Teacher under the Information & Communication Technology (ICT) Project on consolidated remuneration of ₹ 7,000/- per month for a period of one year vide appointment letter dated 01.09.2009 (**Annexure P-1**). One of the specific conditions was that the petitioner was to join the duty at the named School within 07 days from the receipt of the appointment letter. Failing which, the offer of appointment was to be deemed to have lapsed. The petitioner, owing to her delivery by caesarean section on 16.08.2009, vide her request dated 22.09.2009 (**Annexure P-4**), prayed for extension of the joining date by three months i.e. 24.11.2009. The request '*in toto*' was accepted by the respondent-Society vide order dated 28.10.2009 (**Annexure R-2**). Thereafter, neither any request for further extension is alleged to have been made nor the petitioner is stated to have joined her place of posting.

Learned Counsel for the petitioner submits that thereafter vide requests dated 27.10.2009 (**Annexure P-5**) and 08.12.2009 (**Annexure P-6**), further extensions were sought, however, no communication on that requests was ever communicated to the petitioner. Therefore, he submits that a mandamus be issued directing the respondents to allow the petitioner to join as Computer Teacher on contract basis.

Upon notice, two separate replies have been filed, one on behalf of respondent Nos.1 and 3 and other on behalf of respondent No.2. In the reply, it is asserted that after the first request, no further request for extending the time was ever made or received as per the record till the requests dated 11.04.2012 (**Annexure P-12**) and 16.01.2013 (**Annexure P-13**) after a gap of 3-4 years, which was rejected. It is further submitted that apart from the claim being barred by limitation, the vacant posts have been re-advertised and the process for the same has also completed.

After hearing learned Counsel for the parties, no case for interference is warranted.

It is not in dispute that the petitioner had received the communication regarding extension of the joining time till 24.11.2009 as is evident from her own letter dated 08.12.2009 (**P-6**), requesting further extension for three months, which the department claims have never received. Even if **P-6** was ever made, it is a matter of fact that no further extension was ever heard of by the petitioner. The petitioner herself should have been vigilant enough to either join in time or keep herself updated of the developments in the Office of the respondents and, therefore, her plea that for 2-3 years, she did not hear anything from the department on her requests for further extension is a complete afterthought and made only in

view of the fact that the such contractual employees are subsequently being regularized in service. The petitioner thus is estopped by her own conduct apart from the claim being barred by limitation.

Accordingly, the present petition stands dismissed with costs of ₹ 10,000/- to be deposited with District Legal Services Authority, Shaheed Bhagat Singh Nagar (Nawanshahr) within two months from today. Failing which, the Member Secretary concerned shall take steps to recover the same as arrears of land revenue.

A copy of this order be sent to the Member Secretary, DLSA, S.B.S. Nagar for strict compliance.

October 04, 2016

Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>