

**Sr. No. 122
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.15884 of 2016 (O&M)
Date of Decision: 08.08.2016**

Harpyari Devi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vinod Bhardwaj, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Challenge in the instant petition is to the order dated 31.08.2015 (Annexure P-14) passed by the District Programme Officer, Women and Child Development, Sonapat in terms of which the services of the petitioner who was working as an Anganwari Worker have been terminated.

Counsel appearing for the petitioner would submit that the work and conduct of the petitioner throughout her service tenure has been exemplary. On account of a back problem and health issue, an application seeking leave on medical grounds for a period of 30 days was submitted on 02.06.2014. Prior to expiry of 30 days, the second application was submitted on 30.06.2014. It is further submitted that son of the petitioner died on 22.08.2014 and it is under such hard circumstances that the petitioner could not report for duty. Further contended that when the petitioner finally reported back for joining duty on 06.06.2016, she became aware that her services have already been terminated vide order dated 31.08.2015 and even such order has been procured only under the

provisions of Right to Information Act. Precise argument raised is that under such difficult and pressing circumstances, the action of the respondent authorities in terminating the services of the petitioner is arbitrary and cannot sustain. It is further argued that the impugned order of termination has been passed in negation of the principles of natural justice inasmuch as no opportunity of hearing was granted prior to taking such extreme action.

Counsel for the petitioner has been heard at length.

Perusal of the impugned order reveals that application for leave on medical grounds had been submitted by the petitioner but in spite of repeatedly calling upon her to provide the necessary medical certificates/record, the same was not furnished. Upon being confronted with such observations contained in the impugned order, counsel would concede that no medical certificates have been produced as the petitioner was undergoing treatment not from any recognized hospital/institute but only from an Ayurvedic doctor.

The petitioner concededly has absented from duty right from 02.06.2014 and till the date of passing of the impugned order dated 31.08.2015 (Annexure P-14). Rather it is her own case that she had shown her willingness and readiness to join duty only in June, 2016. Even though the petitioner has lost her son on 22.08.2014, the same can only be termed as unfortunate. Sad demise of son of the petitioner could not be seen as a justification for the petitioner to have remained away from her responsibilities and duties over a period of time stretching more than a year.

Even the contention raised on behalf of the petitioner that no opportunity of hearing has been granted prior to passing of the termination

order does not inspire any confidence. In the impugned order itself, there is reference to three specific notices issued on 27.10.2014, 12.12.2014 and 11.05.2015 and in spite thereof the petitioner had not joined duties.

Under such circumstances, this Court would not be inclined to interfere with the impugned order whereby services of the petitioner have been terminated. That apart, this Court in the exercise of judicial review of an order/decision made by an administrative authority would not act as a Court of appeal. Interference in exercise of judicial review would be permissible only if the order is shown to be total illegal, irrational or perverse.

This Court does not find any basis that would warrant interference in the impugned order dated 31.08.2015 at Annexure P-14.

Writ petition is, consequently, dismissed.

08.08.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No