

CWP No.24219 of 2014

#1# Manoj Kumar
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.24219 of 2014

Date of decision: 30.08.2016

Renuka Sharma

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Neha Jain, Advocate for

Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. Harkesh Manuja, Addl.A.G, Punjab for
respondent Nos.2,4 & 5.

Mr. Gurjinder Singh, Advocate for respondent No.3.

Jaswant Singh, J

Petitioner, who was appointed in March, 2005 on contract basis as Computer Teacher under the Punjab Information and Communication Technology Education Society (for short "PICTES"), has filed this writ petition seeking a writ of Certiorari for quashing the impugned order dated 10.4.2014 **(P.7)** passed by respondent No.3 whereby her representation has been rejected; with further directions to the respondents to allow her to join her duties in terms of the Government Instructions dated 11.6.1998 **(P.3)**.

It is contended by learned counsel for the petitioner that the petitioner tendered her resignation on 09.7.2009 on account of mental tension and in view of the Government Instructions dated 11.6.1998 (P.3), the petitioner being female is entitled to re-join her duties and as such the impugned order is not sustainable.

On the other hand, learned counsel appearing for respondent No.3 has contended that the petitioner was working only on contractual basis and her services were not governed by the Punjab Civil Services Rules and moreover, there is no provision under the PICTES to allow her to join her after such a long gap of more than 4 years.

Heard learned counsel for the parties and perused the paper book with their able assistance.

The petitioner is claiming relief on the basis of Government Instructions dated 11.6.1998 (P.3). Respondent No.3/Society in Preliminary Objection No.3 has specifically submitted that the Instructions (P.3) is not applicable to the contractual employee working under the PICTES as they are not Government Employees. Undisputedly, the petitioner was appointed on contract basis and her services are governed by the terms and conditions in the appointment letter dated 15.3.2005 (P.1). The petitioner has not been able to controvert the averments made in para No.3 of Preliminary Objections to the effect that the Instructions dated 11.6.1998 have not been adopted by the PICTES and the same are not applicable for the contractual employee like the petitioner.

In view of the above, no ground is made out to interfere with the impugned order (P.7) passed by respondent No.3.

Dismissed.

August 30, 2016
manoj

(JASWANT SINGH)
JUDGE