

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

CWP No.3022 of 2013(O&M)

Date of decision:16.5.2016

Gram Panchayat Village Satipura
@ Pindi Satipura

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Manish Kumar Singla, Advocate,
for the petitioner.

Mr. Inqulab Nagpal, A.A.G., Punjab.

Mr. Dinesh Kumar, Advocate,
for respondent No.6.

Mr. HS Dhandi, Advocate,
for the applicant/respondent No.9.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

C.M. NO.9545 of 2015

Application under order 1 Rule 10 CPC is allowed.

Manpreet Kaur, w/o Inderjit Singh R/o Village Satipur, Teh. & Distt.
Sangrur, is permitted to be impleaded as respondent No.9 to defend the
action. She is already before the Court and represented through Mr. HS
Dhandi, Advocate.

CWP No.3022 of 2013

1. Heard the respective counsel including the learned counsel
for the State and Mr. Dhandi.
2. Having regard to the written statement filed on behalf of the

Deputy Commissioner, Sangrur, the same leaves no manner of doubt that the appointment of 9th respondent as an Anganwari Worker was illegal since due procedure was not followed. It has been disclosed by the Deputy Commissioner that there is nothing on record to show that due publicity was given by the Office of Child Development Project Officer [the nodal authority in the scheme of things] in Village Satipura @ Pindi Satipura before the last date fixed for collection of applications. There is also nothing on the official record to show that any formal proposal for selection accompanied by the merit list was ever submitted to the Panchayat Samiti for consideration and its approval. The State has candidly expressed its view that serious irregularities were committed and therefore, the respondent-Department had taken a conscious decision to withdraw the work assigned to Smt. Manpreet Kaur, wife of Sh. Inderjit Singh vide order No.2092 dated 13.2.2013 (Annex. R-2). The 9th respondent has not challenged the order withdrawing work.

3. In view of this Court withdrawal of work in the circumstances tantamount to termination of services. That the order has not been questioned by 9th respondent it follows that she cannot be heard as to the quality and character of her employment as Anganwari Worker which has been secured by questionable means without due process of the law. It leaves no manner of doubt that the selection process that led to the appointment of 9th respondent as Anganwari Worker was vitiated by illegality. The grievance of the petitioner has been redressed with the order withdrawing work from the petitioner and the petition is rendered largely infructuous. However, it was and will be open to the petitioning

Gram Panchayat to contend before any Court in future litigation that the experience gained by a person on an illegally procured appointment should not be counted for the purposes of public appointment where rules demand prior experience. It will also be open to the Gram Panchayat to take resort to law against the official/s that made the illegal appointment. The Punjab Government would be free to institute an inquiry against the CDPO who made the selection to establish his role in making the illegal appointment. If any such inquiry is instituted then both the Gram Panchayat and the 9th respondent would be associated in that process and made to participate in the proceedings.

4. In the above terms, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

16.5.2016
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