

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7646 of 2015

Date of Decision:-29.3.2016.

Malti Jangra

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. P.K. Khindria, Advocate for respondents.

SURYA KANT, J. (ORAL)

1.) The petitioner assails the order dated 24.3.2015 passed by Central Administrative Tribunal, Chandigarh Bench, upholding the order dated 10.1.2015 (P-3) whereby the petitioner's absence from duty without any sanctioned leave was declared as "*a sheer negligence of duty and misconduct*" on her part and after observing that her work was not found to be satisfactory, her contractual services as a Research Assistant in the Department of Radio Diagnosis were dispensed with.

2.) The Tribunal has observed that since the petitioner was

working on contract basis and the Authorities did not find her work and conduct to be satisfactory, there was no irregularity in dispensing with her services.

3.) When this writ petition came up for hearing on 24.4.2015, it was stated on behalf of the petitioner that the impugned order of dispensing with services was likely to be an impediment against her future employment, hence, she may be permitted to resign from the contractual assignment from the date her services were dispensed with.

4.) The respondents were accordingly called upon. The authorities, for the reasons not on record, are reluctant in modifying the order of termination of services.

5.) Having heard learned counsel for the parties and keeping in view the fact that the petitioner had initially proceeded on sanctioned leave but she did not report for duty on expiry of such leave and continued to avail the presumed leave without any formal sanction, we are satisfied that instead of treating her action as a misconduct, a lenient view can be taken so that the petitioner is not deprived of future employment, even if she is selected on merits.

6.) Consequently, we allow this writ petition in part to the extent that if the petitioner submits her unconditional resignation along with an affidavit to the effect that she will not claim any kind of benefit from the respondent-Institute, she shall be taken to have resigned from the service w.e.f. 10.1.2015 for all intents and

purposes. It is consequently, declared that the order dated 10.1.2015 (P-3) shall have no effect whatsoever on the future employment prospects of the petitioner. We are sure that the Authorities will sympathetically consider the petitioner's request to issue an experience certificate to her for the limited purpose of its utilization for future employment only.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

March 29, 2016.

sandeep sethi