

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

CWP No. 1311 of 2017 (O&M)
Date of decision: 15.2.2017

Harmeet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR, J.

1. The petitioner joined as English Mistress at Government High School District Ludhiana on 14.2.2011 under Sarv Sikhiyan Abhiyan Authority, Punjab on contract basis. A criminal case bearing F.I.R No. 264 dated 20.10.2011 under Sections 420, 120 B IPC, at Police Station Division No. 5 Ludhiana was registered against the husband of the petitioner and the petitioner in a property dispute. Apprehending arrest, the petitioner did not join duties and sent her leave application for sanctioning leave without pay which was forwarded by respondent No. 5 to District Education Officer, Ludhiana. By an order dated 27.04.2012, the arrest of the petitioner was stayed by the Apex Court and immediately thereafter the petitioner requested the Headmaster to allow her to join her duties and to sanction her leave without pay w.e.f. 01.11.2011 to 30.4.2012. Eventually on the basis of compromise, the petitioner was discharged in the above said FIR on 22.01.2016. Since the petitioner was not allowed to join her duties, she

served a legal notice to the respondents requesting that leave from 01.11.2011 to 30.4.2012 be sanctioned without pay and she be allowed to join her duties as English Mistress. Aggrieved against not being allowed to rejoin, the instant petition has been filed.

2. Mr. Nirmal Singh, learned counsel appearing on behalf of the petitioner, submits that the petitioner has not been allowed to rejoin service even though there is no formal order of termination served upon her. It is contended that services of the petitioner had been terminated without even serving any show cause notice or conducting any regular inquiry. She had submitted an application for leave but the respondent authorities did not sanction the same.

3. I have heard the learned counsel for the petitioner and find that there is no merit in the same. The petitioner came to be appointed on contract basis vide letter 28.01.2011. The appointment was totally temporary and on contract basis. One of the conditions of this offer was *“This appointment was initially for one year. You would be considered for renewal of contract for next year on the basis of your conduct, work and passing of test conducted after undergoing 15 days computer literacy program during the summer vacations”*. Admitted fact is that the petitioner stopped coming to work from 01.11.2011 to 30.4.2012 apprehending arrest on account of an FIR that was registered against her. She remained absent from work without sanctioned leave. The contract was valid for a period up to 31.03.2012 and since she remained absent, the contract was never renewed. As per the terms of the contract entered into renewal would be effected only after appraisal of work and conduct.

4. The argument raised that there was no show cause notice issued to the petitioner nor has she been served with a letter of termination is an argument without any basis. The conditions of the contract itself specify that the period of contract was for one year and would be renewed on appraisal of work and conduct. In the instant case, if the petitioner was working in an educational institute, was absent for a considerable length of time without leave, there would probably be no justification in renewing of her contract. The petitioner herein is bound by the conditions of the contract. Therefore, there is no necessity of either serving a show cause notice or issuing a letter terminating the services.

5. The instant writ petition deserves to be dismissed on the grounds of delay and laches as well on account of the fact that there has been an inordinate delay in approaching this court. The petitioner had been granted bail in April 2012 and has approached this court seeking redressal after a period of almost 4 years.

6. Therefore, in view of the above, it is held that the writ petition is without any merit and deserves to be dismissed in limine.

7. Dismissed.

15.2.2017
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No