

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

CWP No.229 of 2015

Date of Decision:08.03.2017

Amar Pati

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Sandeep Goyat, Advocate for the petitioner.

Mr. Sushil Gautam, D.A.G. Haryana.

Mr. B.S. Bairagi, Advocate for respondent No.4.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has prayed for quashing order dated 2.1.2015 (Annexure P-4) passed by 3rd respondent by which petitioner's services have been terminated.

Learned counsel for the petitioner submitted that the petitioner's services have been abruptly terminated with reference to policy decision of the Directorate dated 22.7.2014 by which the age of retirement of Anganwari Worker has been increased from age 60 years to that of 65 years. Further policy protected those who are retired from 1.1.2014 to 8.5.2015. For the purpose of retirement, such of those retirees have been reinstated. Pursuant to the above policy, 4th respondent who has retired on 5.2.2014 has been continued. Consequently, the petitioner's services have been displaced without issuing notice to him. By virtue of appointment order dated 26.6.2014 (Annexure P-2) of the petitioner do not reveal any condition that if policy of enhancement of retirement age is introduced petitioner's service would be dispensed etc.

On the other hand, learned counsel for respondent No.4

submitted that he has no grouse against the petitioner. By virtue of policy decision of the Directorate, she has been continued.

Learned State counsel submitted that before issuing communication dated 2.1.2015 by which the petitioner's services were terminated with immediate effect by District Programme Officer, Women and Child Development, Hisar is not followed by any due procedure i.e. by issue notice of termination of services of the petitioner. However, in order to implement Government policy and in public interest petitioner's services have been dispensed. Therefore, no interference is called for.

The petitioner had been appointed as Anganwari Worker on 26.6.2014. The official respondents should have thought of implication of Government Policy which was given retrospectively i.e., to say that those who have retired during the period from 1.1.2014 to 8.5.2015 would be reinstated while replacing some of the working Anganwari Worker. Since order/decision to terminate petitioner's service is without notice. On this score petition is liable to be allowed.

In view of these facts and circumstances, order dated 2.1.2015 (Annexure P-4) is set aside. The Directorate of Women and Child Development are directed to examine the fate of the 4th respondent so as to continue her services upto the age of 65 years or not. The fate of the 4th respondent shall be considered within a period of three months from today.

Accordingly, petition stands allowed.

08.03.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No