

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

CWP No.24421 of 2017

Date of Decision: October 30, 2017

Rita Rani

...Petitioner

Versus

Haryana State Council for Child Welfare and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Jai Bhagwan Sharma, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

The petitioner earlier having challenged her termination order (Annexure P-7), by filing CWP no.7002 of 2010, that was withdrawn on 21.04.2010, with liberty to the petitioner to make a detailed and comprehensive representation to respondent no.2 in that petition, i.e. the Haryana State Council for Child Welfare, District Branch, Jind, which she is stated to have made. Thereafter the said representation also having been rejected vide the order Annexure P-8, dated 17.08.2010, she is stated to have filed CWP no.1014 of 2011, which was withdrawn vide an order dated 22.05.2011, a copy of which has not been annexed with the petition but has been produced in Court, on direction to the learned counsel. The said order reads as under:-

- “1. There is an application for withdrawal of the writ petition.
2. For the reasons stated in the application, application is allowed.
3. The writ petition is dismissed as withdrawn.”

Thereafter, the petitioner is stated to have filed a mercy petition before the Governor of Haryana, who is also stated to be the President of the Child Council for Child Welfare, and eventually she was offered an

appointment on fresh terms, (without benefit of past service), first on 07.02.2017 vide the order Annexure P-13, which was then reiterated to her vide the order Annexure P-14, dated 30.05.2017.

However, the petitioner not having joined duty within 15 days of the issuance of the appointment letter, as stated in the last clause thereof, her appointment was cancelled vide the order Annexure P-16, stated to be in reference to an earlier communication dated 07.08.2017.

This was after the petitioner was given a last opportunity to join her appointment, vide the letter Annexure P-15, again shown to be in reference to a communication, dated 28.06.2017.

Learned counsel for the petitioner has submitted that the petitioners' services should not have been discontinued in the first place but having been discontinued, she should have been offered an appointment, in the year 2017, in continuity of her earlier service with the respondents.

It is seen that the order originally terminating the petitioners' service on 15.01.2010, vide the order Annexure P-7, was due to the reason that the 'scheme' of the Arts and Crafts Centre, under which the petitioner was employed, was discontinued.

Obviously, for that reason, the first petition filed by her was dismissed, i.e. CWP no.7002 of 2010, though granting her liberty to file an appeal/mercy petition before the authority concerned.

Now with the petitioner having been granted a fresh appointment and she still not having joined, despite a reminder, I see absolutely no reason to entertain this petition, either in the context of

cancellation of the offer of appointment made to her vide Annexure P-14, and in any case not in the context of the original termination order of the year 2010, she having earlier withdrawn CWP no.1014 of 2011, on 22.05.2011.

Consequently, this petition is dismissed. However, dismissal of the petition would naturally not bar the respondents to offer a fresh appointment to the petitioner, if they consider it appropriate.

(AMOL RATTAN SINGH)
JUDGE

October 30, 2017
vcgarg/dinesh

Whether speaking / reasoned	Yes
Whether reportable	Yes