

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

**RSA No.5355 of 2016 (O&M)
Date of decision: 22.02.2017**

Neetu Bala

.... Appellant

Vs.

State of Punjab & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. V.K.Sandhir, Advocate
for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

I fail to see any error in the judgment of lower appellate Court dismissing the suit of the plaintiff-appellant.

The plaintiff-appellant was working as an Anganwari Worker since August, 2001 and in 2009 her services were terminated by the order in suit impugned, dated 13.11.2009 for having committed certain irregularities in discharge of her duties.

The Court *a quo* has noticed in its judgment that the plaintiff-appellant was appointed as an Anganwari Worker under The Integrated Child Development Services (ICDS) Scheme sponsored by the Central Government, therefore, she neither qualifies as a temporary employee nor daily wager nor direct employee of the Central Government or the State Government, which fact the plaintiff admitted by appearing in witness box as her own witness during recording of her cross examination. Neither is the post of Anganwari Worker a public post.

The lower appellate Court read and noticed that the rules and

instructions-“bye-laws” of the Punjab Government are not applicable on the plaintiff with respect to her service. The Court held that the order of removal cannot be said to be unconstitutional, illegal and void or one which was passed contrary to the principles of natural justice. Hence, the question of reinstatement or regularization of her services does not arise for consideration.

I have no reason to disagree with the view taken on the evidence and would not interfere in this matter or disturb the findings of the Court of the second instance which appear not to suffer from any legal infirmity. However, learned counsel for the plaintiff's request is accepted to the extent that the order of removal will not adversely affect her future employment as she may yet be eligible to apply for the post or any other post, provided she is eligible and fits the criteria and is at liberty to do so and compete with others. The removal order will not be used against her by future employer against her since the allegations were not established through inquiry upon evidence.

With these observations, the appeal is dismissed with the observations as aforesaid.

(RAJIV NARAIN RAINA)
JUDGE

22.02.2017

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1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No