

208            IN THE HIGH COURT OF PUNJAB AND HARYANA  
                 AT CHANDIGARH

CWP No. 1075 of 2015  
DECIDED ON: FEBRUARY 27, 2018

JASMAIL KAUR

.....PETITIONER

VERSUS

KHALSA COLLEGE FOR WOMEN AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present:    Mr. G.S. Jaswal, Advocate,  
                 for the petitioner.

              Mr. S.K. Sandhir, Advocate  
              for respondents No.1 and 2.

              Mr. Rajesh Hooda, Advocate  
              for respondent No.3.

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**JASPAL SINGH, J (ORAL)**

Petitioner-Jasmail Kaur preferred the instant petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus directing the respondents to declare her appointed and served as Library Assistant and also to make the payment of entire retiral benefits to her.

2. A perusal of instant writ petition transpires that petitioner has claimed that she was appointed as Library Assistant on 04.10.1977 but has been deprived of the pensionary benefits such as pension, leave encashment and gratuity by not counting her temporary and ad-hoc service towards pensionary benefits. She stood retired on 19.09.2013 after having served the respondent-College for 35 years.

3. The instant case involves a disputed question of fact, which cannot be decided in the writ jurisdiction. Though, respondents No.1 and 2 have categorically and specifically denied that petitioner was employed as Library Assistant or Library Restorer. Rather petitioner has claimed that she was appointed as Library Attendant purely on consolidated salary of ₹200/- per month w.e.f. 04.10.1977 and further that the said post was purely temporary and the said fact finds mention in her appointment letter dated 04.10.1977 (Annexure R-1/1). It has further been alleged by the respondents No.1 and 2 that the appointment letter dated 01.10.1977 (Annexure P-1) relied upon by the petitioner is not a part of official record of the College. Since, there is a disputed question of fact, which requires evidence to be adduced by the parties in support of their respective claim, writ petition is not maintainable.

4. Accordingly petition is relegated to the Civil Court for getting her grievances redressed, for filing of a civil suit, if she so desires.

5. Disposed of accordingly.

**FEBRUARY 27, 2018**  
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**(JASPAL SINGH)**  
**JUDGE**

***Whether speaking/reasoned***  
***Whether reportable***

***Yes***  
***Yes/No***