

CWP No.22117 of 2013 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22117 of 2013 (O&M)

Date of decision: 26.4.2018

Saroj Bala

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rajiv Narain Raina

Present: Mr.Kiran Pal Singh, Advocate for the petitioner.

Mr.Harish Rathee,Sr.DAG Haryana.

Rajiv Narain Raina, J. (Oral)

The petitioner while working as Anganwadi worker decided to run for the elections of Municipal Corporation, Ambala. She had to resign from the post of Anganwadi Worker.

Learned counsel states that the resignation was conditional. This is the self serving argument the fact who remains that the petitioner stand for the Municipal Elections and lost. Having lost she has tried to secure for reinstatement. The resignation was accepted before the petitioner contested the elections.

I have considered the similar situation in '*Devi Singh Versus State of Haryana and others*' in CWP No.18618 of 2013 decided on **23.02.2018**. The issue of re-appointment of Government employees, who resigned from their posts to contest elections is covered by policy instructions dated 21.11.1996 issued by the Chief Secretary to Government of Haryana which have been reproduced in my order in *Devi Singh's case*.

Still further I held that the services of Devi Singh was covered by Haryana Government Employees Conduct Rules, 1966 which prohibits a Government employee to take part in, subscribe in aid or assist in any other manner any political moment or activity, nor the employee can canvass or interfere or use his influence in connection with or take part in an election to any Legislative or Local Authority.

In conclusion, the Court held that the right of the employee based on general principles to withdraw his resignation before acceptance is curtailed by the policy instructions dated 21.11.1996 and the 1966 Conduct Rules and there the prohibitions contained therein.

The petitioner may not be a government servant as an Anganwadi worker but the principle in the instructions dated 21.11.1996 would apply in her case. It may be noticed that in **Devi Singh's case**, the petitioner was Sarpanch of Gram Panchayat. In case the petitioner disputes the acceptance of resignation, she is free to approach Civil Court where this issue issue can be decided.

The petitioner had right to contest elections without resignation. The petitioner as an Anganwadi worker, did not hold office of profit. Anganwadi workers are merely volunteers and they are rendering community services to the weaker sections, children and old ladies in the village. The Division Bench in **Anokh Singh Vs. Punjab State Election Commission, Chandigarh, 2009 (1) R.C.R. (Civil) 898** could be of aid to the petitioner. The petitioner's resignation letter speaks for itself, which is reproduced below:-

“To

The Child Development & Project Officer,
Ambala

Subject: Resignation from the post of Anganwari Worker
posted at Vill. Salarheri (Ambala Urban)

Madam,

With due respect, It is submitted that I am working
as Aanganwari Worker at village Salarheri w.e.f. 6.6.1997
under your kind control.

As I wish to contest the Municipal Corporation
Elections to be held on 2nd June 2013, therefore, I tender my
resignation from above mentioned post which may kindly be
accepted with immediate effect.

Thanking you.

Yours faithfully,
(Saroj Bala)
A.W.W.

Dated: 17.5.2013
Place: Ambala

Vill. Salarheri
Teh. & Distt. Ambala”

The resignation was accepted on the face of it with an
endorsement in Hindi which reads as under:

*“Shrimati Saroj Bala, AWW Salarheri ne apni merji se
chunaav ladne ke liye apne pad se tyag patr diya hai. Iska
tyagpatar manjoor karne ki sifarish ki jati hai.”*

No merit.

Dismissed.

April 26, 2018
Meenu

(Rajiv Narain Raina)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No