

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 10.05.2018****CWP No.19710 of 2015**

Suman

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rakesh Sobti, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Ms. Puja Chopra, Advocate, for respondent No.7.

RAJIV NARAIN RAINA, J.

The petitioner is a chronic litigant. Since 2011, she has been filing one case after another by misrepresenting facts by involving without warrant the 7th respondent in wanton and unnecessary litigation. The dispute between the petitioner and the 7th respondent arises thus; there are three villages, namely, Nayagaon, Khajpur and Gurukul in Block Jhajjar, Jhajjar (Haryana). All these three villages constitute one single unit and have a common Panchayat known as Village Panchayat Khajpur. For the purpose of Integrated Child Development Services (ICDS), commonly known as Anganwari Programme, the said three villages have been taken together as one unit known as the Nayagaon unit covering the population of three villages.

The 7th respondent was appointed as an Anganwari Worker in 1996, which appointment order mentions the appointment for Nayagaon. Though the appointment was qua Nayagaon, but on verbal orders from the official respondents and seniors, the 7th respondent started covering the beneficiaries not only in Nayagaon, but also in Khajpur and Gurukul additionally since 1996 till date. In short, as population grew, the work increased and the 7th respondent was not physically able to cover the area completely though she tried her best to cover all beneficiaries. As work load increased, the necessity was felt for an additional centre at Khajpur.

The petitioner was appointed as Anganwari Worker on 30.05.2011. Trouble started with this appointment, as the letter of appointment of the petitioner also mentioned that she was appointed for Nayagaon. There was overlapping of territory. The petitioner taking advantage of her letter of appointment refused to cover Gurukul and Khajpur claiming she was appointed for Nayagaon. If the two letters mention the same village that which should follow is that the prior appointment of the 7th respondent should give her a preferential claim, and so she claims.

The petitioner brought a civil suit on 07.09.2011 against the official respondents and in the plaint the 7th respondent was arrayed as defendant No.5 in the said suit. The petitioner's application for temporary injunction under Order 39 Rule 1 & 2 CPC was dismissed on 14.10.2011 by the Civil Judge (Junior Division), Jhajjar. An appeal was filed, which was withdrawn on 23.02.2012. Even the civil suit was withdrawn on the same day. The plaintiff could not explain what irreparable loss was caused to her by working at Village Khajpur, although irreparable loss would be caused to 7th respondent. The petitioner's services were terminated on 29.12.2011 on

the ground that she had violated written and oral orders of her superiors and she had not worked as required. The dismissal was preceded by several notices and show cause notices issued to the petitioner. Despite the same, the petitioner did not start the Anganwari Centre and rather filed successive writ petitions i.e. CWP No.1075 of 2012, CWP No.4708 of 2012 and CWP No.15369 of 2013.

In order to amicably settle the controversy, the official respondents directed the petitioner to open the Centre at Nayagaon, which was part of Panchayat Khajpur and to cover all beneficiaries of three villages under Panchayat Khajpur while the 7th respondent was also directed to cover all beneficiaries of all the three villages. The 7th respondent started covering all beneficiaries as per order dated 05.06.2013. The petitioner filed CWP No.15369 of 2013 by misrepresenting the facts and the stay was granted in her favour. This brought the 7th respondent to file CWP No.24994 of 2013. After 14.11.2013, the petitioner did not join her duty and remained absent without leave. She did not comply with the orders of this Court dated 14.11.2013. Not satisfied with the previous litigation, the petitioner preferred LPA No.84 of 2014, which was disposed of in limine without notice to the 7th respondent, but the direction given by this Court vide order dated 14.11.2013 was not overturned. Meaning thereby, the petitioner was required to join her duty as per Court order dated 14.11.2013. Both the petitions i.e. filed by the petitioner and the 7th respondent were disposed of by this Court by a common order on 27.05.2015 with the following directions:

“Be that as it may, since there are three aforementioned centres, both the petitioners are directed to work on all the three centres turn-wise. The Director, Women

and Child Development Department, Haryana, Sector – 4, Panchkula is directed to assign the duties of Anganwari Workers to both the petitioners at the aforementioned Centres keeping in view the necessity of work, in case the Director finds that there are only two active Centres Nayagaon and Khajpur and then the petitioners may not be assigned duties as Anganwari Workers in the Gurukul Centre at present.”

On 03.08.2015, the District Programme Officer, Child & Women Development, Jhajjar terminated the services of the petitioner w.e.f. 21.11.2013. It is this order, which has been impugned in this petition.

In the written statement filed by the State, the entire litigation history of the case has been set down. Successive misconducts are written large against the petitioner. She disobeyed the orders of this Court and has refused to work at any other place except Nayagaon despite directions of this Court. Orders have been obtained by the petitioner behind the back of the 7th respondent and the State says that these were all false and frivolous cases to avoid work in the Centre. Due to the act and the conduct of the petitioner, working of the Department suffered very badly and could not cover the beneficiaries, which is mandatory as per directions of Government. The petitioner remained absent from duty for more than one year and as such her services have been terminated.

Having heard learned counsel for the parties at considerable length and having perused the record including administrative and judicial orders passed in this case, this Court can have no sympathy with the petitioner, who appears to be a work shirker. If she is not prepared to work as arranged by this Court and has even litigated thereafter making inroads to the judicial dispensation, her acts of refusal to cover the two villages other than Nayagaon is deplorable conduct. It is, thus, best to put an end to this

litigation in public interest, as no interference is warranted in this case nor in equity and neither in law. Private interest must yield to public interest.

Consequently, the instant petition is dismissed being devoid of merit and the termination order is upheld.

10.05.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>