

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20170-2018

Date of decision: 14.08.2018

Sabila

...Petitioner

V/s.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Sachin Mittal, Advocate for the petitioner.

Ritu Bahri, J. (Oral).

The petitioner is seeking quashing of the show cause notice dated 02.08.2018 (Annexure P-3) which states that the petitioner is holding 2 posts one of Sarpanch and another of Anganwari worker in the Director Women and Child Welfare Department. As per the Haryana Panchayati Raj Act, 1994 she cannot hold two posts at the same time.

Learned counsel for the petitioner has referred to the Division Bench judgment in ***CWP-7727-2008 titled Anokh Singh V/s. Punjab State Election Commission, Chandigarh*** (Annexure P-5) whereby it is held that the Anganwari Worker is not the 'office of profit' post. However the post of Lambardar is held to be 'office of profit' post under the State Government. Thereafter, against the said judgement, SLP was filed before the Supreme Court and the Supreme Court vide order dated 29.10.2010 (Annexure P-6) allowed the appeal and it was held that Anganwari Worker and Lambardar are not 'office of profit' posts.

Notice of motion.

Ms. Nidhi Garg, Assistant Advocate General, Haryana accepts notice on behalf of the respondents.

Keeping in view the Supreme Court judgment, the petition is not being adjourned to file written statement.

The writ petition is allowed and the show cause notice dated 02.08.2018 (Annexure P-3) is set aside.

14.08.2018

Divyanshi

(RITU BAHRI)
JUDGE

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