

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2551-2015 (O&M)

Date of Decision:-30.01.2018.

Chander Kanta

.....Appellant

Versus

Director, Women & Child Development Department, Haryana, Panchkula
and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Govind Chauhan, Advocate for the appellant.

Mr. G.S. Wasu, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

Appellant has questioned the validity of the trial Court as well as Appellate Court order dated 14.10.2013 and 15.01.2015, respectively.

Appellant was appointed as Anganwari Worker on 25.05.1990. While working as such, she contested for the post of Sarpanch in the year 2010 and she was successful. Consequently, she was holding two posts i.e. (i) Anganwari Worker and (ii) Sarpanch. As per circular dated 28.11.1994, it was permissible for holding 2 posts simultaneously. The said circular was replaced on 7.9.2010 to the extent that one can hold only one post. Thus, appellant had choice for choosing either Anganwari Worker or Sarpanch post. However, the same has not been exercised by the appellant.

Consequently, respondents have terminated the services of the appellant as

Anganwari Worker w.e.f. 5.3.2012 which was the subject matter of litigation before the trial and Appellate Court. Concurrent finding has been given by the Courts below. Hence, the present appeal.

Learned counsel for the appellant submitted that by virtue of circular dated 28.11.1994, appellant had the right to continue to hold 2 posts simultaneously. Therefore, as on the date on which she was elected as Sarpanch circular dated 28.11.1994 was in vogue and it permits to hold two posts simultaneously. Respondents can not rely on 7.9.2010 circular which was issued later, in terminating the services of the appellant as an Anganwari Worker on 5.3.2012.

Circular dated 28.11.1994 has been replaced on 7.9.2010 to the extent that one can hold only one post. Thus, appellant had the choice either to choose Anganwari Worker or Sarpanch. Appellant failed to choose any one of the post. Consequently, respondents rightly terminated the services of the appellant from the post of Anganwari Worker w.e.f. 05.03.2012 i.e. subsequent to issue of circular dated 7.9.2010. Thus, there is no infirmity in the present appeal as long as circular dated 7.9.2010 is intact and it has not been challenged. Appellant has not made out a case so as to interfere with the trial Court as well as Appellate Court order dated 14.10.2013 and 15.01.2015, respectively.

Appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 30, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.