

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-17222-2014 (O&M)
Date of decision : 30.01.2019

Sukhwinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Chahal, Advocate,
for the petitioner(s).

Mr. Navdeep Chhabra, DAG, Punjab.

Mr. H.S. Jalal, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

By way of the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks issuance of writ of Mandamus directing the respondents to allow the petitioner to join her duty against offer/appointment letter dated 26.02.2013 (Annexure P-1).

In pursuance to the application made, the petitioner was issued appointment dated 26.02.2013 (Annexure P-1). As per the appointment letter, she was to join her duties within one week from the date of receipt of said letter. Upon receiving the appointment letter, the petitioner got herself medically examined and was found fit to join the duty vide medical certificate dated 05.03.2013 (Annexure P-2). Unfortunately, on the same day, i.e. 05.03.2013, petitioner's sister-in-law, Pooja, committed suicide,

wherein, the petitioner was nominated as an accused in a false case bearing FIR No.29 dated 05.03.2013, registered at P.S. Sadar Ludhiana under Section 306 read with Section 34 of the Indian Penal Code (Annexure P-3). She was arrested by the police on 11.03.2013 and she remained behind the bars till she was admitted to bail by this Court in CRM-M-13768-2014 decided on 05.05.2014 (Annexure P-4). Thereafter, she submitted a detailed representation on 29.05.2014 (Annexure P-5) (wrongly written as 29.08.2014) before respondent No.1 to allow her to join the duties, which was rejected vide order dated 29.05.2014 (Annexure P-6).

It is submitted that the it was petitioner's last chance to get a government job (as now she has become overage) which stands lost on account of the circumstances entirely beyond her control. Thus, the respondents ought to have taken a compassionate view and allowed the petitioner to join her duties belatedly.

On the other hand, learned counsel for respondent No.2 submits that as the petitioner failed to join her duties within the prescribed period, her appointment letter was cancelled. Neither the petitioner nor any other family member made any application for extension of joining time.

Heard.

Condition No.18 of the offer letter of appointment reads thus:-

“You have to come present in the office of concerned District Education Officer (EE) along with original documents within week after receiving the appointment letter, your appointment letter shall be deemed to be cancelled after the stipulated date.”

This Court is not inclined to go into the merits of the assertions raised by the petitioner with regard to her non-joining on account of registration of a false FIR against her and other family members, however, a sanctity is always attached to any offer of appointment and the terms and conditions mentioned therein, which have to be respected. There was a clear stipulation in the appointment letter calling upon the petitioner to join her duties within seven days from the date of receipt of such letter, failing which, the offer was to be treated as cancelled. The authorities, in the absence of any information with regard to the circumstances being faced by the petitioner, acted in accordance with the conditions of the appointment letter and cancelled the same. Once the offer of appointment stands cancelled, no right would vest in favour of the petitioner.

In view of the above discussion, there is no merit in the instant writ petition and the same is hereby dismissed.

30.01.2019

atulsethi

(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No