

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

Letters Patent Appeal No. 195 of 2019 (O&M)

Date of Decision: 26.03.2019

Suman wife of Mukesh

.....Appellant

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Chanderhas Yadav, Advocate, for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This intra-court appeal under clause X of the Letters Patent is directed against the judgment and order dated 10.05.2015 passed by the learned Single Judge.

2. Office has reported delay and laches of 195 days in filing the appeal. The reason set out in application under section 5 of the Limitation Act seeking condonation of delay is that the appellant is the only person to take care of her old parents in law and that the applicant was not feeling well and her father-in-law had undergone heart surgery and because of this difficulty she was not able to file the present appeal. The explanation submitted is as vague as it could be. There is no documentary material in support of the factual assertion about the ailment and the medical treatment.

3. Apart from the above fact we have also examined the issue on-merits and heard learned counsel for the appellant.

4. The facts in brief leading to the controversy are as under:-

Respondent No.7 was appointed as Anganwari Worker in 1996 for village Naya Gaon. On verbal orders from the official respondents she also started covering village Khajpur and Gurukul additionally. For the integrated Child Development Scheme, the aforesaid three villages were taken as one unit known as Nayagaon unit covering the population of three villages. Appellant-petitioner was appointed as Anganwari worker on 30.05.2011 also for Nayagaon. She, however, refused to cover the area falling under villages Gurukul and Khajpur on the pretext that she was appointed only for Nayagaon. She filed a civil suit impleading the officials and respondent No.7 in respect of this dispute alongwith an application for temporary injunction which was dismissed by the trial Court on 14.10.2011. Subsequently the suit was withdrawn.

5. The arena of dispute shifted to this Court. Writ Petition No. 1075 of 2012 was filed by the appellant which was subsequently dismissed as withdrawn with liberty to avail a remedy of appeal provided under the instructions governing the terms and conditions of appointment. Again she filed a Civil Writ Petition No. 15369 of 2013 challenging the order passed by the Women and Child Development Programme Officer, Jhajjar whereby she was directed to work in Centre No. 119 situated at Khajpur. By misrepresenting the facts she misled this Court in passing the stay order. This led the respondent No.7 herein, namely, Shakuntla to file another Civil Writ Petition No. 24994 of 2013. Both the aforesaid writ petitions were consolidated and disposed of by a common judgment dated 27.05.2015 directing that both the petitioners shall abide to the directions given by the

Director, Women and Child Development Department and perform their duties as Anganwari workers in the respective centres assigned to them turn wise.

6. Subsequently, vide order dated 03.08.2015 the District Programme Officer, Women and Child Development Department, Jhajjar terminated the services of the appellant. The order was preceded by several notices and show cause notices. The dismissal order was challenged by filing the writ petition out of which the present appeal arises.

7. Leaned Single Judge after analyzing the controversy and entire facts and circumstances dismissed the writ petition by making the following observations:-

“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.....

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.”

8. After having heard learned counsel for the appellant and having carefully perusing the record and considering the facts and circumstances in entirety, we are also of the considered opinion that such a chronic litigant, who is in the habit of filing the petition after petition for no justifiable cause and misleading the Court by making incorrect allegations and averments and is not ready and willing to abide by the orders passed by this Court and is totally work shirker, is not entitled for any indulgence by this Court. Thus we see no reason to interfere with the judgment of the learned Single Judge.

The appeal accordingly fails and stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.03.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√