

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

**CWP No.2167 of 2016
Date of decision: 24.02.2020**

Manju Bibyan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Kamlesh, Advocate,
for Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Ritu Bahri, J.

Petitioner is seeking quashing of the letter dated 18.01.2016 (Annexure P-4), whereby she has been directed to leave the post of AMO and letter dated 20.01.2016 (Annexure P-7), whereby she has been restrained from marking her presence in the attendance register.

Vide letter dated 01.08.2013 (Annexure P-2), petitioner was engaged as Ayush Medical Officer under the NRHM scheme for 89 days. As per clause 03 of this letter, she was to be paid a consolidated monthly remuneration of Rs.20,000/-. She was also entitled for casual leave of 20 days. Thereafter, the petitioner contested the election for the post of Sarpanch of village Badarpur, Tehsil Indri, District Karnal and was elected on the said post on 10.01.2016. Consequent upon winning the election, Senior Medical Officer, CHC, Indri, vide letter dated 18.01.2016 (Annexure P-4), informed the petitioner that if, she wanted to continue working as

Sarpanch, she had to give resignation from the post of AMO. To this letter,

petitioner gave her reply dated 18.01.2016 (Annexure P-5) taking a stand that any employee, who was working on contractual or daily wage basis, can work on both the posts after being elected as Sarpanch or Panch. Thereafter, petitioner sent an application dated 19.01.2016 (Annexure P-6) to the Deputy Commissioner, Karnal, stating that as per Section 175 (f) (j) of Haryana Panchayati Raj Act, she can held both the posts.

In response to the writ petition, reply on behalf of respondent Nos. 1 to 6 has been filed, wherein it has been stated that petitioner was given notice dated 15.01.2015 (Annexure R-I) that in case, she wanted to held the post of Sarpanch, then she had to resign from the post of Ayush Medical Officer. However, petitioner filed reply to the said notice and did not resign from the post of AMO. Respondents have placed on record directions/guidelines dated 03.12.2015 (Annexure R-II), whereby the Director, Development & Panchayat Department, Haryana, has clarified that after winning election, contractual or daily wages employees have to choose one among both the posts, on which they are working. They cannot work simultaneously on both the posts at one point of time.

In the present case, as per appointment letter dated 01.08.2013 (Annexure P-2), petitioner was appointed as Ayush Medical Officer (AMO) on monthly remuneration of Rs.20,000/-. She was also entitled for 20 days' casual leave. As per guidelines dated 03.12.2015 (Annexure R-II), she could not held both the posts i.e. the post of Sarpanch and AMO, simultaneously. Hence, the impugned letters dated 18.01.2016 & 20.01.2016 (Annexure P-4 & P-7) have rightly been issued to the petitioner.

Keeping in view the reply filed by the respondents and the guidelines dated 03.12.2015 (Annexure R-II), no case for interference is

made out.

Resultantly, finding no merits, present petition is dismissed.

(RITU BAHRI)
JUDGE

24.02.2020
ajp

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