

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

**CWP No. 5316 OF 2021 (O & M)
DATE OF DECISION : 08.02.2022**

Angoori Devi

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Wazir Singh, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

Mother of two and a widow having lost her husband in 2009 was appointed as Sweeper in the year 2012 and after she had rendered about nine years of service, vide a cryptic non-speaking impugned order dated 26.02.2021 (Annexure P-11), her services were dispensed with, without assigning any reason compelling her to approach this Court through the instant writ petition.

2. Briefly stating, the facts of the case are that vide proposal letter dated 01.07.2014, petitioner was appointed as full time Peon/Sweeper in District Training Centre, Kaithal. One complaint was received in the CM window leveling false allegations against the petitioner upon which she submitted her reply. However, vide impugned order dated 26.02.2021 (Annexure P-11) passed by respondent No.4, the petitioner has been terminated from service without issuing any show cause notice. Hence, the petition.

3. In the return filed, the petition has been opposed on the ground that the impugned order has been passed in accordance with Rule 21 (b) of the State Health Mission, Haryana Contractual Employees Service Bye-Laws 2018 (hereinafter referred to as “the bye-laws”) applicable to National Health Mission under which the petitioner was appointed as Sweeper. Without adverting on the applicability of the said bye laws on the petitioner, the very fact that same were brought into force in 2018 is a ground enough to not apply the same to the petitioner with retrospective effect. Concededly, she was appointed in the year 2012 and is not a matriculate to the knowledge of the respondents. In any case, there were no such bye laws framed at the time of her original appointment requiring her to be a matriculate.

4. Also to be noted, having already rendered 09 years of service, requirement of being a matriculate now is quite superficial to say the least. Considering the nature of her job and petitioner’s experience, such a requirement to be insisted at this belated stage, that too, by applying bye laws to her detriment is completely preposterous. The apathy of the respondents in not even considering the humanitarian and the mitigating circumstances applicable to the poor hapless widow, who has been rendered jobless for no fault of her, is borne out from the insipid justification given in the return inasmuch stating that some complaint was received in the year 2018 in C.M window complaining that the petitioner has given a false information with regard to her educational requirement. Based thereon, a summary enquiry seems to have been conducted. That too without ascertaining whether there is any substance either in the complaint and/or the applicability of the aforesaid bye laws promulgated for the first time in 2018, much after the petitioner was appointed. Having

already opined in the preceding part of this order that the said bye laws in any case are not applicable and therefore, the complaint, if any received in the CM window, ought not to have entertained on that ground alone.

5. It is rather intriguing that complaint against the petitioner has been filed by a serving medical officer. As to what transpired to compel him to file such a complaint is not borne out but it does seem that it has been filed for some extraneous purpose. How would a serving medical officer be interested or otherwise be affected by a poor sweeper being matriculate or not, that too, who had rendered nine years of service, leaves much to be said.

6. In the peculiar circumstances, it would not be out of place to direct the respondents to conduct an appropriate enquiry against the medical officer to know as to what prompted him to file his complaint against the petitioner. At this stage it will be premature to make any further comments. In the premise, the competent authority/respondents are directed to first conduct enquiry into the entire episode and submit a compliance report, as well as enquiry report, before this Court within four months for information.

7. As an upshot, the impugned order dated 26.02.2021 (Annexure P-11) is set-aside. The instant petition is allowed with a direction to the respondents to re-induct the petitioner with continuity in job with all consequential benefits, including salary for the period she was rendered jobless for no fault of her. Arrears be paid along with interest at the rate of 7% per annum.

8. With these directions, the petition is disposed of.

FEBRUARY 08, 2022

Shalini

(ARUN MONGA)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No