

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

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CWP-15964-2022

Date of decision : 26.07.2022

Laveena Jindal

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Saurabh Arora, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has sought quashing of the order dated 09.03.2018 (Annexure P-7) whereby her request for voluntary retirement had been accepted.

Learned counsel for the petitioner submits that the petitioner had been working as a Science Mistress in the respondent/School since 2002. She had made a request for voluntary retirement on 12.12.2017. Before the request could be accepted, she had withdrawn the same on 26.02.2018. However, the respondents in utter disregard of her request for withdrawal of the application for voluntary retirement had accepted the same and she was voluntarily retired on 28.02.2018 (Annexure P-6). He further submits that the petitioner had arrived at a compromise with the respondents but the respondents had resiled from the terms thereof. The petitioner had been approaching the authorities for the payment of her salary and other dues which was denied to her. He, therefore, contends that the compromise would not be binding on the petitioner especially when the respondents did not discharge their part of the performance.

Heard.

It is manifest that there were various allegations against the petitioner of insubordination and making complaints against the school where she was working. The petitioner had preferred petition No.59 of 2017 before the Educational Tribunal and during the pendency thereof, she had made a statement before the Tribunal that the Management had reinstated her after withdrawing the suspension order and she had tendered her resignation by giving a three months' notice. The petition was thereafter disposed of on 14.12.2017 (Annexure P-3) in terms of the statement made by the petitioner and the counsel for the respondents who had stated that they have no objection to the disposal of the petition in such terms. The District Education Officer (SE), Sangrur was also directed to pay the petitioner arrears of salary and other relief payable to her. The petitioner had thereafter challenged the order dated 28.02.2018 (Annexure P-6) whereby she had been voluntarily retired from service by preferring petition No.31 of 2018 before the Educational Tribunal. The Educational Tribunal had dismissed the appeal of the petitioner on 17.09.2019 (Anenxure P-12) by holding that she had suffered a statement before the Additional District and Sessions Judge, Sangrur in CA No.367 of 2015 on 06.01.2018 that she has entered into compromise and the appeal had been dismissed as withdrawn in terms of the compromise.

It is, thus, patent that the petitioner had made a request for voluntary retirement in terms of the compromise with the respondents. The respondents had dropped the disciplinary proceedings and withdrawn the suspension order in pursuance to the terms of the compromise. The petitioner had earlier approached the Educational Tribunal and the Civil Court as well.

Once having accepted the terms and conditions of the compromise before the Courts including the Civil Court and the Educational Tribunal, it is not open to the petitioner to turn out and challenge the same by preferring this petition. The petitioner has firstly approached this Court in the year 2019 and the petition was dismissed as withdrawn with liberty to file a fresh one with better particulars.

Consequently, I do not find any merit in this petition which stands dismissed. In the event of the petitioner having any outstanding dues against the respondent/School, she would be at liberty to seek recourse to alternative remedy in that regard.

(ANUPINDER SINGH GREWAL)
JUDGE

July 26, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No