

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16224-2022

Date of Decision: 28.07.2022

ANJULA KAPUR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr.PankajMiddha, Addl. A.G., Haryana.

Mr. D.S. Rawat, Advocate
for respondents No.2 and 3.

ARUN MONGA, J. (ORAL)

Petitioner herein,*inter alia*, seeks issuance of a writ and/or order or direction in the nature of *certiorari* to quash the final speaking order dated 02.07.2022 (Annexure P-35) passed by respondent No.2, whereby, the relief sought in **CWP-4790-2022** dated **06.03.2022** (Annexure P-29) was not considered.

2. Petitioner joined the Haryana Institute of Public Administration, Gurugram as Assistant Librarian on 18.08.1989. On 15.07.2003, respondent No.2 framed Faculty Bye-Laws, 2003 for regulating the recruitment and conditions of service of the faculty members by prescribing the UGC Pay scales and retirement age. The petitioner submitted a representation dated 01.02.2005 (Annexure P-5) for inclusion of the post of Assistant Librarian in the said Faculty Bye-Laws. The Agenda Item No.8 was placed before the Executive Council in its 71st Meeting held on 11.01.2020 for the addition of two posts of Assistant Librarian in new Faculty Bye-Laws, 2018 but the same was not considered. The petitioner thereafter superannuated from the post of Assistant Librarian w.e.f. 30.09.2020. For redressal of her grievance,

the petitioner preferred Civil Writ Petition No.4790 of 2022 before this Court, which was disposed of vide order dated 10.03.2022 (Annexure P-30) with a direction to take decision by treating the writ petition as supplementary representation and to decide the same within a period of 30 days. Not having received any response, she filed Contempt Petition No.922 of 2022 before this Court and thereafter, respondent No.2 rejected the claim of the petitioner by passing speaking order dated 02.07.2022 (Annexure P-35). Hence, the present petition.

3. Heard.

4. Learned counsel for the petitioner, while seeking parity with one Dr. Jogender Singh, relies upon judgment dated 14.02.2022 passed by this Court in ***CWP-25320 of 2021*** titled ***Dr. Jogender Singh vs State of Haryana and others***. In any case, the relief granted to the petitioner therein was in *personam* and cannot be treated as *in rem*. The petitioner consciously chose not to make any grievance at the time when she had retired and being a fence sitter, now cannot take an advantage of another similarly situated employee, who has been accorded benefit by virtue of judgment rendered in his case. Such a course is not permissible.

5. Hence, no grounds to interfere are made out. Dismissed.

6. As regards the other grievance, appropriate administrative orders be passed by giving reasons thereof.

July 28, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No