

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

CWP-26938-2018(O&M)

Date of decision: November 24, 2022

Samina

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari seeking to quash the inquiry report dated Nil (Annexure P-6), whereby, petitioner, respondent No.5 and one Nuru MM were held guilty of committing fraud. Furthermore, letter dated 09.09.2022 (Annexure P-7), whereby departmental action was initiated against the petitioner as well as order/ letter dated 20.09.2022 (Annexure P-8), whereby services of the petitioner have been terminated is sought to be quashed.

2. Pleading case is that petitioner was appointed as Asha Worker in pursuance of meeting held on 31.12.2019 headed by then Senior Medical Officer, CHC, Punhana. She is carrying Haryana Residence Certificate, Backward Class Certificate and Other Backward Class certificate. From the date of her joining, respondents No.5 and 6 started harassing, humiliating, torturing and victimizing the petitioner. Respondent No.5 started making complaint against the petitioner that she is not a *bonafide* resident of village

Neemkhera, Tehsil Punhana, District Nuh (Mewat) and therefore is not entitled to serve as Asha Worker in village Neemkhera. Petitioner made representation to respondents No.3 and 4, in this regard. Respondents No.5 and 6 called the petitioner at Gopalur on the pretext of verifying her voucher however, respondent No.5 got angry with the petitioner and started abusing her. On 24.01.2022, twin children were born at Jacha Bacha Hospital Mahun, but by showing that the twins were delivered at their home, their certificates were shown to be issued from PHC Jamalgarh. Petitioner opposed the same, upon which respondents No.5 and 6 again started abusing her. Petitioner also registered FIR No.251 dated 14.06.2022, under Sections 354A, 506 of IPC at Police Station Punhana. Pursuant to this, respondent No.5 started threatening the petitioner asking her to compromise the matter. On 08.07.2022, respondent No.5 manhandled the petitioner and even slapped her. Petitioner made a complaint to respondents No.2 to 4 in this regard, but no action was taken. She further made a representation through CM window Punhana. Respondents No.5 and 6 being senior to the petitioner, started making complaints against the petitioner that she is not a bona fide resident of Neemkhera. In the impugned inquiry report dated Nil (Annexure P-6), petitioner, respondent No.5 and one Nuru MM were held guilty for intentionally getting forged documents issued and for committing fraud. Departmental action was recommended against them, without affording them any opportunity of hearing. Vide letter dated 20.09.2022 (Annexure P-8), services of the petitioner have wrongly been terminated by respondent No.4. Hence, the instant petition.

3. On advance service, learned State counsel appears and opposes the petition.

4. I have heard learned counsel for the parties and gone through the case file.

5. Perusal of case file does not show whether services of the petitioner were governed by any statutory Rules or she was appointed on contractual basis. That apart, *ex facie* disputed questions of facts are involved, as is borne out from the averments in the petition. The issues involved cannot be thrashed out merely on the basis of affidavits under extraordinary writ jurisdiction.

6. In the premise, no grounds for interference are made out.

7. Disposed of with liberty to the petitioner to seek appropriate alternative remedy, as may be advised and available in law.

(ARUN MONGA)
JUDGE

November 24, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No