

**CWP-336-2023 (O&M)
Date of decision-10.01.2023**

Jaisika Verma

...Petitioner

Vs.

Panjab University Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arvind Galav, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner-Jaisika Verma has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari for quashing of the communication dated 18.10.2022 (Annexure P-23) by respondent No.1, whereby her claim to rejoin the service was rejected, pursuant to order dated 22.09.2020 (Annexure P-16), passed by this Court directing the respondent No.1 to decide her representation.

Learned counsel has argued that the petitioner had joined as Junior Clerk on daily wages/contractual basis with the Panjab University, Chandigarh on 28.04.2010 and her appointment was extended from time to time and she worked upto 23.05.2016. He submits that the petitioner opted for IVF treatment from Jindal IVF and Sant Memorial Nursing Home, Sector 20, Chandigarh and was advised bed rest, therefore, she applied for

leave on 23.05.2016 (Annexure P-3) along with the medical record, followed by similar applications. According to the learned counsel, the said applications were recommended by the DRS/CMO and the details of thirteen applications are contained in the legal notice dated 22.09.2022 (Annexure P-22). He submits that the appointment of the petitioner was lastly extended upto 01.08.2016, but thereafter, her services were not extended, therefore, she had approached this Court through CWP No.28873 of 2017, which was disposed of vide order dated 22.09.2020 (Annexure P-16), whereby the petitioner was given liberty to submit a detailed representation before the respondents along with supporting documents within a period of 15 days and further it was to be decided by the respondent sympathetically within a period of two months.

Learned counsel submits that pursuant to this, she submitted a representation dated 29.09.2020 (Annexure P-17) and the same was dismissed on 15.10.2020 with the observation that her appointment was upto 01.08.2016, and as per terms and conditions of employment, the petitioner stood relieved w.e.f. 01.08.2016. He submits that now the respondents have passed the impugned order dated 18.10.2022 (Annexure P-23), whereby the claim made by the petitioner through legal notice dated 22.09.2022 (Annexure P-22) has been rejected. Learned counsel has further referred to the circular dated 21.11.2022 (Annexure P-24) to contend that Panjab University, Chandigarh in its meeting dated 27.09.2022 has decided to grant maternity leave to the women employees working on temporary/contractual/daily wage basis, therefore, he prays that the

impugned order passed by the University be set aside and a writ in the nature of mandamus be issued directing the University to take back the petitioner in service.

After hearing the learned counsel and examining the case file, this Court finds that the services of the petitioner with the University commenced on 28.04.2010 and the said office order (Annexure P-2) clearly mentions that tenure of appointment of daily wage basis Clerks will end automatically on the last working day of their term and the employee will be treated as relieved.

During the course of hearing, it is fairly conceded by learned counsel that the application for maternity leave submitted by the petitioner was never sanctioned and also her services were never extended beyond 01.08.2016. Thus, it is evident that the services of the petitioner came to an end on 01.08.2016, though she remained absent from duty w.e.f. 23.05.2016 as her leave was not sanctioned. No doubt, the petitioner had earlier filed a writ petition, but pursuant to the order dated 22.09.2020 (Annexure P-16) passed by this Court, the respondent-University had dismissed the petitioner's claim vide order dated 15.10.2020 (Annexure P-18) considering her long absence as well as absence of any provision in the Rules, but the order dated 15.10.2020 was never challenged by the petitioner, much less through this writ petition. The petitioner kept on sending requests to the Panjab University, Chandigarh for allowing her to join her as Clerk and lastly sent legal notice dated 22.09.2022 (Annexure P-22). The said legal notice has also been considered by the Registrar and vide impugned order

dated 18.10.2022 again declined the request with the observation that the daily wage workers are only entitled to the casual leave and there is no provision in Rules for granting them any medical leave. Thus, the claim of the petitioner that she is entitled to the benefit of the circular dated 21.11.2022 (Annexure P-24) is apparently misconceived and this Court does not find any reason to exercise the extraordinary writ jurisdiction to interfere with the impugned order dated 18.10.2022 (Annexure P-23).

Writ petition is dismissed.

(MANOJ BAJAJ)
JUDGE

10.01.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No