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

2023:PHHC:146922
CWP-15666-2014 (O&M)
Date of Decision: 20.11.2023

Sarabjit Kaur …Petitioner

Vs.

State of Punjab and others …Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present None for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

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SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner who is an Anganwari Worker has prayed for quashing of letter dated 16.07.2014, whereby her services were sought to be dispensed with by issuing a show cause notice on the ground that she was given four marks by the C.D.P.O. for experience, whereas the same could not have been granted to her while giving appointment on 20.07.2006.

2. Taking note of the fact that the petitioner had already worked for almost eight years, this Court vide order dated 07.08.2014, passed an interim order saving the services of the petitioner with the following direction:-

> *'In the meantime, services of the petitioner shall not be dispensed with.'*

3. The interim order is continuing till date.

4. An additional affidavit has been filed on behalf of the respondents stating that a complaint was received regarding the appointment of the petitioner upon being given four marks wrongly for experience. It is

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stated that no final decision has been taken and the petitioner has been only asked to submit her reply to the show cause notice.

5. This Court finds that the petitioner has produced the experience certificate and the genuineness of experience certificate issued to the petitioner is not under challenge. The only aspect is that the same was not produced before the selection committee.

6. Keeping in view the above, this Court finds that the petitioner's services could not have been sought to be dispensed with. More so, there is an interim order in favour of the petitioner, which is operating since 2014. In view thereof, this Court does not deem it appropriate to interfere with her appointment on contractual basis under a scheme which is essentially on honorarium.

7. Accordingly, the interim order passed by this Court is made absolute and the petitioner shall continue to perform her duties. The petition is allowed accordingly.

8. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

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1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No

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