

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2024:PHHC:074807-DB



(102)

LPA-473-2023 (O&M)  
Decided on :27.05.2024

Ruchi Singla

.....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,  
ACTING CHIEF JUSTICE  
HON'BLE MR.JUSTICE AMAN CHAUDHARY

Present:- Mr. Satyam Singla, Advocate for the appellant.  
Mr. Deepak Balyan, Addl. AG, Haryana.

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G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-1289-LPA-2023

Application is allowed, as prayed for  
CM stands disposed of.

LPA-473-2023 (O&M)

Consideration in the present letters patent appeal is sought of the judgment of the learned Single Judge dated 28.03.2023 passed in CWP No.4982 of 2020, whereby the learned Single Judge declined to grant the benefit as such of the relief which is in the form of directions to permit the writ petitioner to join her duty as a Computer Instructor at Government College,



Jind and for release of salaries and allowances w.e.f. 07.04.2019. Challenge has also been raised to the show cause notice dated 26.04.2019(Annexure P-5) for termination of services by holding her guilty of misconduct and without issuing any charge-sheet or any regular inquiry and following the due procedure.

2. The learned Single Judge came to the conclusion that the writ petitioner herself had submitted her resignation which was not accepted, but in the meantime the contract period of the employment had expired. The termination order had not been challenged nor any step was taken thereafter by the writ petitioner after tendering her resignation. The agreement executed by the writ petitioner with the department had come to an end without any requirement of notice or compensation. In such circumstances, the relief has been denied.

3. Apparently, the appellant was appointed initially on 29.05.2015 (Annexure P-2) on contract basis as Computer Instructor with the respondent-College upto 30.04.2016. It is the case of the appellant that terms of the contract as such were extended and she was allowed to continue on the said post. Apparently, she was not happy to work on the said post, which would be clear from the resignation which was given on 06/07.04.2019(Annexure P-4), wherein she complained herself that she had been time and again called by Principal for one work or other work on the ground floor and the study of her students was affected at the 2<sup>nd</sup> floor. Thereafter, show cause notice was also issued to the appellant on 26.04.2019 (Annexure P-5) that she had stopped coming to college after submitting the resignation which had not been accepted and the work related to exam forms had come to standstill and there



was a difficult situation in the college as she had not handed over the charge. The reply as such dated 27.04.2019 (Annexure P-6) was that she had been compelled to submit the resignation under protest and she had filled up all forms on line for admission which had been received by her and none was kept pending. In the meantime, she had already approached the Human Rights Commission and claimed damages to the tune of Rs.20 lakhs in her response.

4. On account of the complaints made by her the matter was also inquired into by the Joint Director Colleges O/o Director Higher Education Haryana by calling both the Principal and the appellant, who in her report dated 20.08.2019 (Annexure R-5) had found that the complaint given by the appellant was without any substance. It was also noticed that a Committee was also constituted to pin-point the reason for delay and official responsible for the same. She had resigned just to avoid her responsibility of delay in uploading forms which was well within her knowledge and the fact that she was at fault.

5. On 18.11.2019 (Annexure R-6) the proceedings before the Human Rights Commission also came to an end, whereby it was noticed that allegations made by the appellant were found to be incorrect and no further directions were issued. However, she could move an application for giving her employment or for further extension of contract and same was to be considered by the competent authority sympathetically in accordance with law/rules. Liberty was also given to file an appeal as such. The appellant then approached this Court by filing CWP-4982-2020 claiming the necessary relief.



6. A perusal of the contract form which has been appended by the State would go on to show that the bilateral agreement automatically came to an end on 30<sup>th</sup> April of each year without any requirement of notice or compensation to the second party. It is the categorical stand of the State that even though she had resigned herself on 06/07.04.2019 the contract would come to an end on 30.04.2019. In view of the terms of the contract and the agreement not having been extended, there is no legal right vested with the appellant to claim the said post. As noticed a Committee was also set up to look into the conduct as such. The dispensation of the services was on account of the report of the Committee, as it is the argument of the counsel that the Committee has not found anything adverse as such. The Committee had come to the conclusion that all the officials who had been entrusted the duty of filling up exam forms either failed to discharge their duty responsibly or failed to complete their work on time. It was also noticed that the appellant has created a situation of confusion by giving misleading information regarding extension of last date of submission of forms and, thus, there was a delay and the appellant had denied this fact.

7. Keeping in view the cumulative facts as such and the relationship between the appellant and the respondent-college since it was only a contractual appointment for a specified period which has not been extended and she herself adopted to resign, we are of the considered opinion that the learned Single Judge did not err in any manner by not exercising his extraordinary writ jurisdiction under Article 226/227 of the Constitution of India. In the absence of any legal right as such and the fact it was just a contractual employment which was to be extended after April of each year and since she



has not worked for the last 4 years, would not give her any vested right to continue in service and claim backwages. She herself was aggrieved as such against the conduct of the Principal qua her and apparently not satisfied had tendered her resignation. The employer as such withheld the acceptance at that point of time, keeping in view the fact that some proceedings were pending in the form of inquiry. Eventually the agreement having not extended, she has no legal vested right to continue. Though a faint argument has been raised that at an earlier point of time some other person has been appointed in her place, we have been informed by the State Counsel that after her resignation no other person in her place has been appointed by the department.

8. Reliance has been placed upon the judgment passed in **LPA-306-2017 ‘State of Haryana and another Vs. Anurag Chahal and others’**, decided on 27.10.2022, wherein the issue was regarding grant of minimum pay scales. Keeping in view the instructions of the Government as such and the law laid down by the Apex Court in **State of Punjab Vs. Jagjit Singh, 2016 (4) SCT 641**, the observations made by the learned Single Judge in the writ petition in the case of **Anurag Chahal (supra)** and in the letters patent appeal were only in context of the situation where another contractual employee was appointed by replacing the earlier one, which is not the situation in the present case in the facts and circumstances.

9. In such circumstances, we are of the considered opinion that keeping in view the nature of employment as such the learned Single Judge did not err in any manner in dismissing the writ petition. Resultantly, there is no merit in the present letters patent appeal and same is hereby dismissed in



*limine.* All pending civil miscellaneous application(s), if any, also stand disposed of.

**(G.S. SANDHAWALIA)**  
**ACTING CHIEF JUSTICE**

**27.05.2024**  
*Naveen*

**(AMAN CHAUDHARY)**  
**JUDGE**

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