

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

(229)

CWP-14485-2020

Date of Decision : February 01, 2024

Manju Bibyan**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Parminder Singh, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the petitioner was appointed on the post of Ayush Medical Officer on 01.08.2013 in pursuance to the advertisement issued by the respondents.

2. The petitioner continued working on the said post after she was being given the extension on the said post. While working on the post of Ayush Medical Officer on contractual basis, the petitioner contested the Election to become Sarpanch of the Village Badarpur. She was declared successful. Upon joining the post of Sarpanch, the petitioner was directed that either she can remain as a Sarpanch or continue on the post of Ayush Medical Officer and she has to give up one post. The petitioner immediately resigned from the post of Sarpanch so as to continue on the post of Ayush Medical Officer.

3. It may be noticed that the petitioner resigned from the post in question but as the authorities took 10 days time to accept her resignation, the respondents are treating a gap period of 10 days in continuous service of the petitioner as Ayush Medical Officer.

4. Learned counsel for the petitioner submits that the petitioner will not claim any benefit of salary for the period of 10 days but her appointment of the post of Ayush Medical Officer be treated as continuous service from the initial date of appointment i.e. 01.08.2013.

5. Learned counsel for the respondents, on the other hand, submits that once the petitioner continued on two posts for certain period, the petitioner has rightly not been given the continuity in service.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. In the present petition, it is a conceded position that the petitioner is continuously working on the post of Ayush Medical Officer. Even while working on the post of Sarpanch, the petitioner continued to discharge the duties of the post of Ayush Medical Officer.

8. On being asked to resign from one post, the petitioner submitted his resignation immediately from the post of Sarpanch but the respondents took 10 days time to accept the same and the said 10 days is being treated as a gap period in the contractual appointment of the petitioner on the post of Ayush Medical Officer. Once, the petitioner had immediately resigned from the post and it was the respondents who took 10 days time to accept the resignation, it will be too harsh to treat that there is a gap period in the continuous service of the petitioner on the post of Ayush Medical Officer which she is discharging for the last 11 years.

- 9.Keeping in view the above, as the petitioner has undertaken not to claim any salary for the period of 10 days, the petitioner will be treated in continuous service as Ayush Medical Officer from her initial date of appointment i.e. 01.08.2013 for all intents and purposes.
- 10.The present writ petition is disposed of accordingly.

February 01, 2024(HARSIMRAN SINGH SETHI)
harshaJUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No