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

(117)

CWP-16237-2024

Date of Decision : July 30, 2024

Radhika**.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Tara Dutt, Advocate, for
Mr. Hanspuneet Singh Kehal, Advocate, for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that order dated 01.09.2023 (Annexure P-6) by which, the confirmation of the petitioner on the post of Peon (Sewadar) was withdrawn, be set aside and further that the charge-sheet dated 12.09.2023 (Annexure P-8) be also set aside as the same is based upon wrong facts.

2. Further prayer of the petitioner is to direct the respondents to allow the petitioner to join the service.

3. Notice of motion.

4. Mr. Arun Gupta, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents.



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5. Learned counsel for the respondents, on the instructions from Ms. Pooja Bhandari, Librarian, Government District Library, Mohali, submits that the petitioner has not stated all the facts in the present petition and as per his instructions, the petitioner submitted a resignation from service on 12.10.2023, which was accepted on 13.10.2023 and therefore, the petitioner has left job on her own hence, the prayer of the petitioner that the respondents are not allowing her to join the duties, is incorrect.

6. Learned counsel for the petitioner submits that according to the petitioner, she has not submitted any resignation and therefore, the present prayer made in the petition is valid.

7. Keeping in view the facts mentioned hereinbefore, the petition involves the disputed question of facts whether the petitioner has submitted the resignation or not due to which, the petitioner is not being allowed to discharge the duties.

8. As per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.2848 of 2021 titled as Shubhas Jain vs. Rajeshwari Shivam and others, decided on 20.07.2021***, where the facts are disputed, the same should not be adjudicated in the writ jurisdiction and the parties should be relegated to the civil dispute before the civil Court. The relevant paragraph of the said judgment is as under:-

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of fact. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

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9. Keeping in view the above, the present writ petition is disposed of with liberty to the petitioner to avail appropriate remedy for the redressal of her grievance before appropriate forum.

July 30, 2024*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

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