

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

211

CWP-28480-2018

Date of Decision :05.03.2024

Asha Kumari

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak Grover, Advocate for
Mr. Inderjit Sharma, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioner is that she should be re-employed on the post of Mali-cum-Chowkidar with all consequential benefits as the petitioner was working after the retirement of her father on the post in question and had worked upto October, 2017 after which date, she was not allowed to discharge her duties.

2. The respondents in their reply have submitted that the petitioner was working on temporary basis and after the joining of the permanent/regular employee, services of the petitioner were not required and the petitioner is not working on the post in question since 2017 and with regard to the claim of petitioner for the grant of salary, the petitioner had filed a civil suit, which was allowed and all the benefits for the period for which, the petitioner discharged her duties have already been paid to her.

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I have heard learned counsel for the parties and have gone

through the record with their able assistance.

4. Once, the petitioner was only working on temporary basis and she has only been replaced by a permanent/regular employee, no grievance can be raised by the petitioner as a permanent/regular employee has a preferential right to work as compared to the temporary employee hence, no grievance can be raised by the petitioner that she has not been allowed to join her duties on the post in question.

5. At this stage, learned counsel for the petitioner submits that the posts are still lying vacant on which, the petitioner can be accommodated.

6. Learned counsel for the respondents submits that in case the petitioner raises the said claim before the authorities concerned by way of filing a representation, the same will be considered in accordance with law and an appropriate order will be passed within a period of 08 weeks from the date of receipt of any such representation and in case, it is found feasible to allow the petitioner to discharge duties at a particular station, the said relief will be extended to her otherwise, due reasons in the speaking order so passed will be mentioned, which will be conveyed to the petitioner as well.

7. Learned counsel for the petitioner submits that keeping in view the statement made by learned counsel for the respondents, present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to file an appropriate representation raising her claim for adjustment.

8. Ordered accordingly.

March 05, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No