



CWP-36908-2019

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-36908-2019
Date of Decision: 13.05.2024

Vandana Devi Petitioner
Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

Mr. Harsh Aggarwal, Advocate for respondent No.3.

None for respondent No.4.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* for directing respondents No.2 & 3 to release the salary of the petitioner for the period from 1st May, 2017 to February, 2018 and from November, 2018 to till the date as the petitioner is performing the duty with respondent No.3 and to direct respondent No.2 to take a strict legal action on the complaint dated 22.03.2019 (Annexure P-5) and 01.05.2019 (Annexure P-6) and also to decide her legal notice dated 04.09.2019 (Annexure P-7).

2. Learned counsel for the petitioner is not present in the Court today and same was the position on the last date of hearing as the lawyers were abstaining from work. Therefore, this Court would proceed with the case on the basis of its pleadings and also hearing the learned counsel for the respondents.



3. The prayer of the petitioner is two-fold. The first prayer is that she be granted salary from 1st May, 2017 to February, 2018 and also from November, 2018 to till the date of filing of the present petition since she performed her duties with respondent No.3-Municipal Committee, Kaithal and the second prayer of the petitioner is that the legal action be taken against private respondent No.4 for physically and mentally harassing her.

4. Mr. Harsh Aggarwal, learned counsel for respondent No.3 while referring to the reply filed by the respondent-Committee submitted that so far as the first grievance of the petitioner is concerned, the same is totally frivolous and misconceived. He further submitted that the petitioner was working in respondent No.3-Municipal Committee, Kaithal through outsourcing agency. However, with the merger of Improvement Trusts with the respective Municipalities, the said staff was also taken over initially till 02.08.2016 vide letter dated 15.02.2016 (Annexure P-2) which was subsequently extended till 31.03.2017. After the aforesaid date i.e. 31.03.2017, the services of the petitioner and such other employees were dispensed with after paying them salary for the said period. Learned counsel further submitted that in this way, after 31.03.2017, the petitioner did not work at all with the respondent-Committee. He also submitted that however, with regard to one month salary i.e. for April, 2017, the petitioner in connivance with one employee, namely, Subhash Chand Gupta, Assistant of answering municipality had manipulated her service record, regarding which, a separate action has been taken against the aforesaid Subhash Chand Gupta, who was found guilty of the charges and an FIR was also registered against him and he was later on suspended and a charge-sheet was also



issued against him. He submitted that in this way the first grievance of the petitioner is totally frivolous and against the record because after dispensing the service on 31.03.2017, she never worked with the Municipal Committee, Kaithal. He further submitted that so far as the second grievance of the petitioner with regard to seeking action against the private respondent is concerned, in fact the petitioner herself has later on furnished an affidavit that she does not wish to pursue her complaint against respondent No.4 and regarding the same, an affidavit so furnished by her is attached as Annexure R-3/3 dated 04.09.2017 and therefore, the second prayer of the petitioner is also not sustainable.

5. After hearing the learned counsel for respondent No.3, this Court is of the view that so far as the first prayer of the petitioner is concerned, as per the reply filed by the respondent-Committee and the submissions made by the learned counsel for respondent No.3, the same does not sustain because the petitioner never worked after 31.03.2017 and therefore, no such direction can be issued for payment of salary for that period. So far as the second prayer is concerned, the same is also not sustainable in view of the affidavit furnished by the petitioner vide Annexure R-3/3 wherein she had stated that she does not want to take any action against respondent No.4

6. In view of the above, the present petition is, hereby, dismissed being devoid of merit.

13.05.2024

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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