

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 110

Civil Writ Petition No.32427 of 2024**Date of Decision: January 13, 2025**Situ

..... PETITIONER(S)

*VERSUS*State of Haryana & others

..... RESPONDENT(S)

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA****PRESENT:** - Mr. Nitin Bhanwal, Advocate, for the petitioner.Ms. Tanushree Gupta, Deputy Advocate General,
Haryana.**Tribhuvan Dahiya, J (Oral)**

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to appoint the petitioner as Part-Time Sweeper, in Government Girls Primary School, Sant Nagar, Jind, and pay salary dues pending since 2012.

2. Learned counsel for the petitioner contends that the petitioner has been working as Sweeper-cum-Chowkidar in the aforementioned School since 03.09.2012, but has not been paid any salary ever-since. The facts of her engagement as well as non-payment of salary are apparent from letters dated 10.10.2012 and 31.05.2018, Annexure P-1 and P-2, respectively, said to have been written by the School's Head Teacher to the Block Education Officer, Jind/Block Elementary Education Officer, Jind.

3. Learned State counsel as referred to the instructions received from the office of fourth respondent vide memo dated 16.12.2024, which is retained on the case file as Annexure 'A'. It is to the following effect:



1- It is pertinent to mention here that as per the information received from the concerned school, the petitioner has not been working as Sweeper-cum- Chowkidar in GGPS Santnagar, Jind since 03.09.2012. It is further stated that she had worked only for 14 days from 01.08.2022 to 31.08.2022 (three hours daily) under Swach Bharat Abhiyan and the complete record of which (including muster roll) is available in the school (**Copy enclosed**).

A cheque of amount of Rs.4270/- already paid to the petitioner on 31-08-2022.

2- It is further pertinent to mention here that there is no record available in the concerned school file and dispatch register regarding letter dated 10.10.2012 and 31.05.2018 Annexure P-1 and P-2 respectively written by the School Head Teacher to Block Education Officer, Jind.

3- It is stated here that the petitioner submits her form regarding mid day Meal Cook-cum Helper on 09.08.2024 in the concerned school and she is still working as a cook since 21.08.2024 in the concerned school.

4- It is relevant to mention here that the then Retired Head Teacher namely; Smt Ompati devi write a letter to the Block Education Officer, Jind on 16.12.2024 regarding Annexure P-2 (101/31-05-2018) which is enclosed herewith and deny that this letter was never written by me. (**Copy attached**)

4. Based upon the instructions, it is contended that the petitioner was never engaged as Sweeper-cum-Chowkidar in the School at Sant Nagar, Jind, as claimed by her. She had only worked for a limited period of fourteen days and was duly paid salary for the same. After being engaged as a Cook-cum-Helper in the Mid-Day Meal Scheme on 21.08.2024, she has been regularly receiving the remuneration.



5. Learned counsel for the petitioner, however contends that the instructions relied upon by learned State counsel have not brought correct facts on record. The petitioner, in fact, has been working in the School without payment of salary since 2012, and only recently in August 2024 she has been shown in the records as employed; but he has not been able to substantiate the facts with any material/documents.

6. These disputed facts cannot be established before this Court in exercise of extra-ordinary jurisdiction. In view thereof, there is no ground to entertain the petition which stands disposed of with liberty to the petitioner to file a civil suit to claim her rightful due by establishing the facts, if so advised.

(Tribhuvan Dahiya)
Judge

January 13, 2025
avin

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No