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

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Date of Decision: 07.08.2025

Anita Sharma**...Petitioner****Versus****Union Territory Chandigarh and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Bhim Sain Mittal, Advocate for the petitioner

Ms. Shubhreet Kaur, Senior Standing Counsel with
Mr. Dhruv Walia, Junior Standing Counsel
for respondent Nos.1 and 2

Mr. Himanshu Chhabra, Advocate for respondent No.3

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of appointment letter dated 22.01.2016 to the extent she has been treated as fresh Anganwadi Worker and her past service from 18.10.2001 to 23.06.2015 has been wiped out. She is further seeking direction to respondent to consider her for promotion to the post of Supervisor from the date her juniors have been promoted.

2. The petitioner joined respondent as Anganwadi Worker on 18.10.2001. Her services were terminated on 23.06.2015. She was terminated without granting any opportunity of hearing. Cause of termination was mass strike of Anganwadi Workers. On her representation, she was issued appointment letter dated 22.01.2016 as fresh Anganwadi Worker for a period of six months. The respondent on 10.05.2018 issued seniority list of Anganwadi Workers for promotion to the post of Supervisor. The petitioner submitted representations. The respondent promoted 9



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Anganwadi Workers as Supervisors, however, petitioner was ignored. The respondent again on 10.09.2021 promoted two employees as Supervisor. The petitioner time and again requested the respondent to decide status of gap of the petitioner from 23.06.2015 to 25.01.2016 and grant him seniority from 2001. The petitioner served legal notice dated 09.01.2024 upon the respondent but to no avail. The petitioner as per Integrated Child Development Services Projects Social Welfare Department for the post of Supervisor (Group 'C') Recruitment (1st Amendment) Rules, 2016 (for short '**2016 Rules**') is required to have 10 years experience as Anganwadi Worker and prescribed qualification for promotion to the post of Supervisor. The petitioner is complying with the conditions prescribed by aforesaid Rules still is not considered for promotion.

3. Learned counsel for the petitioner submits that as per 2012 Rules as amended, 50% posts of Supervisor are earmarked for Anganwadi Workers having 10 years experience and possessing educational qualification as required in direct recruitment. The petitioner is having more than 10 years experience as Anganwadi Worker and is possessing requisite qualification. She has not been promoted considering her appointment as fresh appointment on 22.01.2016. She is having more than 20 years experience still is not promoted. Her juniors were promoted in 2018.

4. *Per contra*, Ms. Shubhreet Kaur, Senior Standing Counsel, U.T. Chandigarh, who on advance notice is present in Court submits that petitioner led strike in 2015 which compelled the authorities to terminate her. On her repeated representations, she was reconsidered and issued fresh appointment letter on 22.01.2016. She joined on 25.01.2016. The period of



her service from 2001 to 2015 has lost its significance. She cannot be considered for the promotional post of Supervisor.

5. On being confronted with Column Nos.11 and 12 of Schedule annexed to 2016 Rules, learned counsel for respondent Nos.1 and 2 concedes that it is factually correct that 50% posts of Supervisor are earmarked for Anganwadi Workers having 10 years experience in that capacity. She also concedes that petitioner is having requisite educational qualifications.

6. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

7. The petitioner is claiming that she is having more than 20 years experience because she joined service as Anganwadi Worker on 18.10.2001. She worked with respondent till 23.06.2015. On account of strike, she was terminated and re-appointed on 22.01.2016. She was issued fresh appointment letter.

8. The petitioner is underpinning her claim on Column No.12 of Schedule to 2016 Rules. The said column is reproduced as below: -

“Column No 12

- i) 50% from amongst the AWWs having 10 years experience as AWWs and possessing Educational Qualification as required in Direct Recruitment,
- ii) 50% by Direct Recruitment.”

9. From the perusal of aforesaid column, it is evident that for promotion, a candidate is required to have 10 years experience as Anganwadi Worker as well as educational qualifications as required for direct recruitment. The petitioner is indubitably possessing requisite



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educational qualification. The aforesaid column does not provide that 10 years service should be continuous service and there should be no break. The Court cannot add or subtract any word from the legislative provisions. 2016 Rules have been framed in exercise of power conferred by proviso to Article 309 of Constitution of India. The language of the Column No.12 is unambiguous. It is settled law that if language is clear and unambiguous, the Court cannot look into intention of the legislature or take external aid for interpreting the provision.

10. In the wake of above discussion and findings, this Court is of the considered opinion that language of Column No.12 is clear and unambiguous. The petitioner is possessing 10 years experience as well as requisite educational qualifications, thus, she needs to be promoted to the higher post of Supervisor. Accordingly, respondent is hereby directed to consider claim of the petitioner while making further promotions to the post of Supervisor. The petitioner shall not be ignored on the ground of experience.

(JAGMOHAN BANSAL)
JUDGE

07.08.2025

Mohit Kumar

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