



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

264

CWP-20693-2021 (O&M)
Date of decision: 11.02.2025

Nasib Kaur

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner

Mr. Charanpreet Singh, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for directing the respondents to allow the application dated 02.04.2021 of the petitioner for rejoining as Aanganwadi Worker.

2. Learned State counsel while referring to the averments made in para Nos.3 and 4 of the written statement dated 17.07.2022, filed by way of affidavit of Child Development Project Officer, to which no replication has been filed, which read thus:

“3. That the petitioner was working as Aanganwadi worker at NathanaAanganwadi Centre. The petitioner applied for one month leave, without pay from 10.12.2018 to 9.1.2019 vide application dated 3.12.2018 to go to abroad to see his daughter. She had also produced her affidavit (Notary Attested) in this regard, wherein she had stated that if, she stayed there more than one month, and she will have no objection, if her services are terminated. The copy of resignation is annexed here with as Annexure R-1 and copy of the affidavit submitted by the petitioner is annexed here with as Annexure R-2. The leave of the petitioner was sanction to go to abroad w.e.f. 10.12.18 to 08.01.2019 with some conditions. But the petitioner had remained will fully absent from her duty without sanctioning the leave from 09.01.2019. That Numbers of

Letters were issued to the petitioner vide this office letter No.439 Dated 15.1.2019, No.452 Dated 29.1.2019 and vide letter No.504 Dated 27.2.2019, to join her duty immediately. The copy of the letter dated 27.02.2019 is annexed herewith as Annexure R-3. Despite of letters issued by the answering respondents, the petitioner did not join her duty. Lastly, the petitioner had submitted her resignation vide letter dated 13.8.2019 through her husband, which was duly attested by Municipal Councilor Nathana, wherein she had stated that "due to some health issues I am resigning from my work. I am submitting my resignation with my free will and without any pressure and the same may kindly be accepted". That the answering respondent has no issue and ill will against the petitioner.

4. That it is further respectfully submitted that despite of various letters issued by the answering respondents, the petitioner did not join her duty. The said resignation dated 13.8.2019 was submitted through her husband was also recommended by the Supervisor under his signatures vide dated 13.8.2019. Hence the resignation of the petitioner had rightly been accepted as per the guidelines/instructions issued by the answering respondents dated 8.05.2017. The Copy of instructions are annexed here with as Annexure R-4. Incompliance with the said instructions, the services of the petitioner was terminated after accepting resignation of petitioner vide office order No. 255-259 dated 14.10.2019 passed by the answering respondent. The copy of order is annexed herewith as Annexure R-5. That the District Programmer Officer, Bathinda was also informed vide letter No. 870 Dated 18.1.2022 that the resignation has been accepted vide order No. 255-259 Dated 14.10.2019. Copy of information sought under the RTI Act, 2005 was supplied to the applicant in this regard.”

3. Since the resignation is stated to have not been submitted and the one referred to is alleged by the petitioner to be forged, she is relegated to the remedy of Civil Court, if so advised, these being disputed questions of fact.

4. Disposed of as such.

(AMAN CHAUDHARY)
JUDGE

11.02.2025
M.Kamra

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