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**(2013) 05 P&H CK 0231**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : CWP No. 664 of 1997 (O & M)**

Meena Kumari

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

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**Date of Decision :** 27-05-2013

**Acts Referred:**

**Citation :** (2014) LabIC 895

**Hon'ble Judges :** Ritu Bahri, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Ritu Bahri, J.—In the present writ petition, the petitioner is seeking a writ of certiorari for quashing the order dated 30.05.1996 (P-3) by which the services of the petitioner have been terminated by respondent No. 4-Chairman Bhartia Gramin Mahila Samiti Patiala. The petitioner was appointed as Gram Sewika in the pay scale of Rs. 110-200 plus usual allowances as admissible to a Government Servant. As per Annexure P-1, the post was purely on temporary basis and was likely to continue for a number of years. Her appointment could be terminated as per condition No. 2 of her appointment letter, which reads as under:--

(ii) By one month's notice in writing from other side in other cases.

2. The petitioner and her colleagues had made a complaint to the Government that respondent No. 4 pays only 75 per cent, of the salary payable to the Gram Sewikas, including the petitioner but obtained her signatures of the payees for the payment of full salary. The Vigilance Bureau of the State of Punjab is holding enquiry into the Short/under payment of the salaries to the Gram Sewikas by the respondent-organisation. The respondents who were nursing a grudge against the petitioner for having made complaint, terminated his services by order dated 30.05.1996 passed by respondent No. 4. However, no notice of charge-sheet was served upon the petitioner and without complying the conditions of her

appointment letter i.e. prior notice of one month. Thus, the order is violative of principles of "First Come Last Go". The persons junior to the petitioner namely Kanwaljit Kaur Gram Sewika, Tohra (Nabha Centre), Daljit Kaur Gram Sewika posted at Jand Mangoli (Ghanaur Centre) and Sudesh Rani Gram Sewika Kaidupur (Nabha) are continuing in service of the respondent Samiti. The petitioner had put in more than 10 years of service and was not eligible to get service anywhere.

3. Learned counsel for the respondent has referred to reply filed by respondent Nos. 2 to 4 wherein it has been stated that the Patiala District Branch is running 7 Craft and 7 Balwadi Centres in the villages which are scattered all over the district. These centres are running on the 75% grant of the total budget received from the Central Social Welfare Board, New Delhi through Punjab State Social Welfare Advisory Board and 25% from the Social Voluntary Organisations and from the Gram Panchayats. The said Mahila Sangh is a registered body under the Punjab Societies Act, 1850 as amended by the Punjab Amendment Act, 1957. The State of Punjab has no control over it. The District Development and Panchayat Officer is only Hony. Secretary but his activities are to check/control the activities of the staff working under the Bhartiya Grameen Mahila Samiti in rural areas. He does not exercise administrative powers under any Act or Rules. Thus, the present writ petition is not maintainable. The petitioner was given a notice on 24.01.1996 (R-1) giving the details of the days when she was found absent from her duty. Apart from being absent, it was found that she had entering the fake names of the children in the attendance register. Further on inspection, it was found by the Inspection Party that centre was closed. Her conduct was found to be negligent and irresponsible and she was given time to file reply within 10 days of the notice as to why her services should not be terminated. On 30.04.1996, the petitioner gave her reply wherein she stated that she would be present in the Centre in future on all days in a week and make efforts to increase the number of children in the Centre. She assured that she would be present in future and give no opportunity of complaint. She sought to be excused this time. The details of her irregularities and absence is given in Annexure R-2. As per R-2, her centre had been shifted from Naru (Ganaur Block) to Suphera in Sanaur Block, Distt. patiala vide Endst. Dated 23.02.1996 but she joined another Centre Rewas Brahmna, Block Patiala at her own accord and informed this office vide her letter dated 16.03.1996. R-5 is the letter written by the Chairman, Bhartiya Grameen Mahila Samiti, Patiala to the petitioner regarding absence from duty. After considering her reply dated 30.04.1996 to the show-cause notice dated 24.01.1996, her services were terminated on 30.05.1996 (P-3).

4. Learned counsel for the petitioner has vehemently argued that no notice as contemplated in her appointment letter (P-1) was served upon the petitioner before terminating her services. The petitioner has put in more than 10 years of service and without following the procedure, her services have been terminated.

5. After going through the entire case, one thing is clear that as per appointment letter (P-1), the services of the petitioner could be terminated after the petitioner was found guilty. After giving her one month's notice dated 24.01.1996 (R-1) in which there is complete detail about her conduct as she was found absent from duty and her centre was also found closed. She further added some fake names of the Children in the attendance register. She has submitted her reply dated 30.04.1996 after a gap of almost 4 months, instead of giving a reply within 10 days. Thereafter, her services have been terminated after considering her reply (P-3). After considering Annexure R-2, one thing is clear, she was found absent from duty and she was warned to be careful in future on one occasion vide letter dated 07.04.1995. Thereafter, for her absence; she had tendered her apology and promised not to give such opportunity in future vide her reply dated 17.11.1995. Thereafter, on one occasion her centre had been shifted from Narru (Ganaur Block) to Suphera in Sanaur Block, Distt. patiala vide Endst. Dated 23-02-1996 but she joined another Centre Rewas Brahmna, Block Patiala at her own accord and informed this office vide her letter dated 16.03.1996 that Sarpanch is pressing hard to go to this village as he has deposited Rs. 5000/- for opening the centre in the said village. She has proceeded to join there without approval of the Chairman. Her act amounts to insubordination of the direction given by the Chairman to the petitioner to join Suphera in Sanaur Block Distt. Patiala. Dr. Rajinder Kaur, State Organisation inspected the Nehru Centre on 24.03.1995 and she was found absent.

6. In view of the above facts, the service of the petitioner have been terminated in conformity with her appointment letter (P-1). The writ petition is accordingly dismissed.