
(2011) 10 P&H CK 0101
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 15743 of 2010

Monika Kashav

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 18-10-2011

Acts Referred:

Punjab Civil Services Rules — Rule 8.121

Citation : (2011) 10 P&H CK 0101

Hon'ble Judges : Daya Chaudhary, J

Bench : Single Bench

Judgement

Daya Chaudhary, J.—The present petition has been filed for issuing directions to the Respondents to take the Petitioner back in service in view of the instructions dated 11.6.1998 issued by the State of Punjab.

2. learned Counsel for the Petitioner submits that the Petitioner was appointed on 1.9.2006 as Volunteer Teacher in Government Elementary School, Bhawal under Sarv Shikhya Abhiyan Scheme and subsequently due to some personal reasons, she resigned from the post on 22.10.2008. Learned Counsel for the Petitioner has relied upon the instructions dated 11.6.1998, wherein, it has been mentioned that in case the female employee who resigned from service after marriage due to family circumstances, would be able to join back the service within a period of ten years in case the vacancies are available. The period of remaining out of service shall be treated as extra ordinary leave under Rule 8.121 of Punjab Civil Services Rules Volume I Part I and the employee who has resigned shall be kept at the bottom in the seniority list. Learned Counsel submits that the case of the Petitioner falls under instructions dated 11.6.1998.

3. Vide order dated 8.9.2011, Respondent No. 2 was directed to file an affidavit with regard to availability of vacancies. In response thereto, an affidavit has been filed in the Court today and the same is taken on record.

4. Ms. Kavita Arora, learned Counsel for the Respondent-State on the basis of

affidavit submits that three Education Volunteers were appointed but due to student teacher ratio three Education Volunteers were not required in the School where they were appointed and they were adjusted in near by schools. Subsequently, it was decided in view of the new policy instructions dated 18.7.2011 not to appoint any Education Volunteers w.e.f. 29.4.2011.

5. Learned Counsel for the Petitioner submits that many Education Volunteers are still working and subsequently also they were appointed by the Respondents and the Petitioner is not being taken back inspite of the fact that the case of the Petitioner can be considered in view of the instructions dated 11.6.1998.

6. In view of the stand taken in the affidavit that at present it has been decided that no Education Volunteer would be appointed, as no direction can be issued at this stage.

7. However, in case any vacancy is there in the future and the Respondents decide to fill up that vacancy the case of the Petitioner be considered in view of the instruction date 11.6.1998.

8. Disposed of accordingly.