



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-21365-2026 (O&M)

Date of decision: 16.07.2026

Rekha Sharma

...Petitioner(s)

Vs.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Lakshman Sharma, Advocate
for the petitioner.

Mr. Harish Kumar Nain, D.A.G., Haryana,

NIDHI GUPTA, J.

Present Civil Writ Petition under Article 226 of the Constitution of India has been filed by the petitioner for the issuance of an appropriate writ, order or direction, particularly a writ in the nature of Certiorari, quashing the impugned speaking order dated 04.02.2026 (Annexure P-15) passed by Respondent No. 3, being arbitrary and discriminatory.

2. It is *inter alia* submitted by learned counsel for the petitioner that vide order dated 30.12.1996 (Annexure P-1), petitioner was appointed as an Instructor in Anganwadi Training Centres (AWTC). Subsequently, vide letter dated 23.11.2020 (Annexure P-2) issued by respondent no.3/Honorary General Secretary, Haryana State Council for Child Welfare (in short 'HSCCW'), the said Schemes of AWTC have been closed. Pursuant to which, letter dated 23.11.2020 (Annexure P-3) was



issued by respondent no.3 giving notice of 15 days to the petitioner for termination w.e.f. 09.12.2020.

3. Ld. Counsel submits that thereafter upon closure of AWTCs, the HSCCW, undertook the process of re-employment and adjustment of all the relieved/former employees of the closed AWTCs. It is submitted that this re-employment/adjustment was carried out based on the respective qualifications, experience, and suitability of the individuals concerned. The names of 48 employees as borne on the list (Annexure P-4) who were so adjusted alongwith their respective place of adjustment was prepared and issued by respondent No.3. Whereafter formal appointment/adjustment letters were issued to said former employees.

4. Learned counsel contends that the respondents while undertaking this exercise, acted in a wholly arbitrary, illegal and discriminatory manner by deliberately excluding the name of the petitioner from the said list of adjusted employees despite the fact that the petitioner was similarly situated and entitled to be considered for re-employment/adjustment in accordance with her long-standing service of 24 years, qualifications and experience. Accordingly, petitioner had submitted a representation dated 26.10.2021 (Annexure P-5) requesting the adjustment/appointment. Vide RTI application (Annexure P-6), petitioner even asked reasons for non-adjustment. However, despite repeated requests, no specific information and no satisfactory response was given by the State Information Commissioner



(in short 'SIC') to the RTI application of the petitioner. One of the RTI applicants had then filed **CWP-21683-2023**, titled "**Santosh Kumari Vs. State Public Information Commissioner and Others**" before this Court seeking mandamus directing the respondents to provide the information as per the RTI application dated 06.09.2022. Vide order dated 04.10.2023 (Annexure P-9), the said CWP was disposed of with direction to SIC to decide the statutory Second Appeal filed by the petitioner expeditiously.

5. Even thereafter, despite direction to learned SCI, no additional information was provided by the District Office to the petitioner regarding explanation for non-issuance of the appointment/adjustment letter to the petitioner and also failed to provide documents related to the said matter. Accordingly, petitioner had again moved representation dated 25.10.2024 (Annexure P-12) to the respondent No.3 requesting consideration of her case. Since respondent No. 3 failed to act upon the said representation, petitioner was constrained to file Civil Writ Petition bearing **CWP No. 11100 of 2025** titled "**Rekha Sharma Vs. State of Haryana and Others.**" The said Writ Petition was disposed of by this Court vide order dated 24.04.2025 (Annexure P-13), with the consent of the parties and without expressing any opinion on the merits of the case, by directing Respondent No. 3/HSCCW to treat the writ petition as a representation and to consider and decide the same by passing a reasoned and speaking order, after affording an opportunity of hearing to the concerned parties, within a



period of three months from the date of receipt of the certified copy of the order.

6. As respondent No. 3 still failed to comply with the order dated 24.04.2025 passed by this Court, the petitioner served a legal notice upon respondent No.3. Upon continued non-compliance, petitioner filed **COCP No. 6006 of 2025** before this Court on 04.12.2025 for wilful disobedience and non-compliance of the order dated 24.04.2025. During pendency of the said contempt petition, Respondent No. 3 passed the present impugned speaking order dated 04.02.2026 (Annexure P-15) whereby termination of the petitioner has been upheld. In view thereof, the contempt petition was disposed of by this Court vide order dated 16.02.2026 (Annexure P-14) as not pressed.

7. Learned counsel contends that the respondents, being instrumentalities of the State, are constitutionally bound to act in a fair, just, and equitable manner, strictly in accordance with the law and the Constitution of India. Their actions must reflect transparency, objectivity, and adherence to the principles of equality and non-discrimination. The Respondents do not possess unbridled or absolute discretion in administrative matters and cannot exercise such discretion arbitrarily or the basis of whims, fancies, or extraneous on considerations. It is a settled principle of law that arbitrariness is the very antithesis of Article 14 of the Constitution of India, which guarantees every citizen the right to equality before the law and equal protection of the laws. It is submitted that in the present case, the



deliberate exclusion of the Petitioner from re-employment or adjustment-despite her having rendered approximately 24 years of continuous, dedicated, and satisfactory service is wholly arbitrary and unjustified. Such exclusion has resulted in the Petitioner being rendered unemployed without any fault on her part; while similarly situated former employees of the closed AWTCs were re-engaged. This action of respondents amounts to an unfair and discriminatory deprivation of the Petitioner's right to equal treatment and livelihood. Ld. Counsel contends that Respondent no. 3 has selectively re-adjusted and re-employed certain similarly situated employees, while arbitrarily and unjustly excluding the Petitioner from such re-adjustment. It is submitted that Respondents, by indulging in such discriminatory practices, have not only acted unfairly and unjustly, but have also failed in their Constitutional duty to treat all similarly situated individuals alike. He accordingly prays that the present Writ Petition be allowed; and impugned order dated 04.02.2026 (Annexure P-15) be set aside.

8. *Per contra*, learned counsel for the respondents has vehemently opposed submissions advanced on behalf of the petitioner and submitted that firstly, the petitioner has no vested right to continue. The impugned order is a detailed and speaking order in which every aspect of the matter has been examined. It is further pointed out that the Schemes including AWTC are sponsored and financed by the Government of India, and some funds collected by social workers. Subsequently, the Government of India took a policy decision to



terminate these Schemes/ Centres; pursuant to which the same had to be shut down as no funds were being received from the Central Government. The petitioner was duly given 15 days notice as required. Even otherwise, as per terms of letter of appointment, Petitioner is not entitled to adjustment/appointment. Moreover, petitioner cannot draw parity with the persons appointed in different Schemes as the same are still running. Therefore, there is no merit to the present Writ Petition, which deserves to be dismissed.

9. No other argument is raised on behalf of learned counsel for the parties. I have heard Id. counsel and perused the case file in detail. I find merit in the submissions advanced on behalf of the respondent-State.

10. It is undisputed fact on record that the HSCCW/respondent no.3 was running the AWTC Scheme across 8 districts in the State of Haryana. This Scheme was being run under the aegis of the Integrated Child Development Services/ICDS Scheme initiated by the Government of India; and was being implemented in Haryana through the Women and Child Development Department, Haryana. Subsequently, the Govt. of India vide letter dated 26.03.2019; and consequently, the Women & Child Development Department, Haryana, vide letter dated 29.04.2019 accorded approval for running AWTCs only upto 31.03.2020. It is amply evident from the record that despite the best efforts by the State Council and numerous correspondence as enumerated in Annexure P-3, requesting for the continuance of these centres or for



adjustment/merger of staff into other Schemes in the Women and Child Development Department, Haryana, no response was received from the Govt. No financial grant or extension was received for the fiscal years 2019-2020 and 2020-2021. Despite not receiving any grant-in aid from the Ministry or the Department, the State Council released some funds to these centres from its own sources. The respondent-HSCCW is merely responsible for execution of the Schemes formulated by the Government of India. Thus, the viability of the Scheme directly depended upon the aid received from the Central Government. However, the same could not be continued interminably as State Council was not financially sound to run these centres from its own financial sources. Consequently, all the AWTCs came to be closed from 23.11.2020.

11. Furthermore, a perusal of the letter of appointment dated 30.12.1996 (Annexure P-1) issued to the petitioner shows that the petitioner was appointed purely on temporary basis and was liable to be terminated without assigning any reason by giving 15 days' notice in writing or 15 days salary in lieu of notice period by either side. As already noted above, keeping in view with the terms and conditions contained in the letter of appointment dated 30.12.1996 (Annexure P-1), a termination notice dated 23.11.2020 was served upon the petitioner w.e.f. 09.12.2020.

12. It is undisputed position in law that once a Scheme comes to an end, and funds are not available, employees' services cannot be



continued. I draw support in my view from a judgment of the Hon'ble Supreme Court rendered in case of **State of Himachal Pradesh v. Ashwani Kumar, (SC) : Law Finder Doc Id # 21698**; wherein it is held that:-

"Constitution of India, Articles 14, 16 and 226 - Regularisation of services - Project employees - Daily wagers engaged in a temporary scheme of the Government have no right to continue in service after the scheme itself is discontinued due to non-availability of funds."

The relevant para of the said judgment reads as under:-

"4. It is seen that when the project is completed and closed due to non-availability of funds, consequently, the employees have to go along with the closed project. The High Court was not right in giving the direction to regularise them or to continue them in other places. No vested right is created in temporary employment. Directions cannot be given to regularise their services in the absence of any existing vacancies nor directions be given to create posts by the State to a non-existent establishment. The Court would adopt pragmatic approach in giving directions. The directions would amount to creating of posts and continuing them in spite of non-availability of the work. We are of considered view that the directions issued by the High Court are absolutely illegal warranting our interference. The order of the High Court is set aside."

13. The above said view has been reiterated by the Hon'ble Supreme Court rendered in case of **State of H.P. v. Nodha Ram, (SC) : Law Finder Doc Id # 77829**, wherein it is held that: –



“3. The facts are that the respondents were engaged on daily wages on muster roll basis in Central Scheme and were paid out of the funds provided by the Central Government. It is stated that after the Scheme was closed their services were dispensed with. When the respondents filed the writ petition in the High Court, the High Court gave interim direction on November 18, 1992 and directed their re-engagement elsewhere. Against the aforesaid interim direction, this appeal by special leave has been filed.

4. It is seen that when the project is completed and closed due to non-availability of funds, the employees have to go along with its closure. The High Court was not right in giving the direction to regularise them or to continue them in other places. No vested right is created in temporary employment. Directions cannot be given to regularise their services in the absence of any existing vacancies nor can directions be given to the State to create posts in a non-existent establishment. The Court would adopt pragmatic approach in giving directions. The directions would amount to creating of posts and continuing them despite non availability of the work. We are of the considered view that the directions issued by the High Court are absolutely illegal warranting our interference. The order of the High Court is therefore, set side.”

14. The aforementioned view has been followed by this Court in identical circumstances, in case of **Raj Rani v. State of Haryana, (Punjab And Haryana) : Law Finder Doc Id # 2897402**. The relevant para of the said judgment reads as under:-

“9. It is the case of the petitioner that they deserve to be adjusted in some other department of the State Government, in view of their long service in the BNP. However, it remains a



fact that the petitioners were appointed under a specific scheme i.e. the BNP, which also dictates the terms of their employment. It is reiterated for the sake of clarity, that the BNP was funded by the Central Government through respondent-ICCW while the role of the respondent-HSCCW is limited to merely executing it. Observing that the BNP was providing the same services as the ICDS, managed by the State Government, the former was decided to be discontinued. Since it is purely a policy matter, the Central Government has the sole prerogative to pick the schemes it finds wise to fund. Thus, the decision to discontinue the BNP is legally valid. Furthermore, since the petitioners were engaged specifically under the BNP, under which no sanctioned posts existed, they were fully aware of the temporary nature of their engagement. Tritely, the bounds of engagement in pursuance of a project/scheme cannot be exceeded and therefore, the State Government is under no obligation to adjust the petitioners in some other department/organisation, once the BNP is discontinued."

15. The other grievance of the petitioner is that certain persons borne in the List (Annexure P-4) have been retained/ adjusted/ appointed; whereas services of the petitioner have been terminated after having served for more than 24 years. Firstly, in view of the unequivocal factual and legal position noted above, no right survives in favour of the petitioner. Even otherwise, the respondent-Council in para 7 of the impugned order has categorically stated as follows: -

"7. Notwithstanding the legal cessation of the employer-employee relationship following the closure of the project and the lawful termination of services, the Haryana State



Council for Child Welfare, acting purely on humanitarian considerations amidst the unprecedented distress caused by the COVID-19 pandemic, resolved to rehabilitate the displaced staff. It was a benevolent policy decision, not a legal obligation, to adjust the retrenched employees where vacancies permitted."

16. From the above, it is clear that respondent No.3 undertook exercise of adjustment/re-employment of former AWTCs staff in various District Councils for Child Welfare against available posts as reflected in the List (Annexure P-4). Thus, no claim for alternative employment survives. Additionally, perusal of Annexure P-4 shows that the said persons have been appointed to different Schemes/ Children Homes/ Schools/ Day Care etc. which are still functional; whereas the AWTC have been shut down. As such, the argument regarding certain persons continuing to work with the above, is entirely baseless as no parity can be drawn between the employees of the two.

17. In this regard, the relevant paras 12, 13, 14, 15 and 16 of the impugned order may also be noticed: –

"12. It is an admitted and undisputed position emerging from the record that the petitioner was engaged under the Anganwadi Workers Training Centre (AWTC), Rewari, pursuant to appointment letter dated 03.12.1996. The terms of appointment unequivocally establish that her engagement was temporary, non-pensionable, and strictly co-terminus with the existence of the scheme/project, subject to availability of grant-in-aid and administrative approval. The



petitioner accepted these terms without demur and continued under the scheme till its closure.

13. It is further undisputed that the AWTC scheme itself came to an end due to non-approval and non-release of grant-in-aid by the competent authorities, despite repeated efforts made by the Haryana State Council for Child Welfare. Consequently, all AWTCs were closed, and services of the staff, including the petitioner, stood lawfully terminated vide notice dated 23.11.2020, effective from 09.12.2020. Upon such termination, no subsisting employer-employee relationship survived as a matter of right.

14. Notwithstanding the lawful termination of services consequent upon the closure of the Anganwadi Workers Training Centres and the absence of any statutory or contractual obligation, the Haryana State Council for Child Welfare, keeping in view the extraordinary circumstances prevailing during the COVID-19 pandemic and the resultant financial and social distress faced by the displaced staff, took a decision purely on humanitarian considerations to explore the possibility of temporary adjustment of some of the retrenched employees. The said exercise was undertaken as a one-time, discretionary and benevolent measure, subject to availability of vacancies, suitability of qualifications, administrative feasibility and the willingness of the concerned employees to / accept the offered place of posting. It is clarified that the said humanitarian adjustment was not a continuation of service, nor did it amount to reinstatement, absorption or regular appointment, and it did not confer any vested, accrued or enforceable right upon any employee.

15. The record, reveals that the humanitarian adjustment exercise was undertaken within a limited framework and was dependent upon several factors, including availability of



vacancies and readiness of the employees to accept postings at locations where work was available. During this process, meetings and discussions were held with the displaced employees in order to arrive at amicable solutions. I have been told by the officials of the Council that the petitioner insisted upon being adjusted at Bhiwani and efforts were made by the council but there was no vacancy available at Bhiwani. Efforts were also made to adjust in any other branch/project but the same could not mature as she was hopeful of getting adjusted in Bhiwani on the premise that any new project would start or any vacancy would arise due to resignation or retirement of the existing employees in other projects.

16. Since, the adjustment was only a humanitarian concession, the petitioner cannot claim adjustment as a matter of right. It is also pertinent to note that the petitioner's services stood validly terminated with effect from 09.12.2020 in accordance with the terms of her appointment letter, and such termination has not been set aside by any competent court. Once the scheme came to an end and the employer-employee relationship ceased, no legal right survived in favour of the petitioner to seek adjustment or continuation. The humanitarian adjustment exercise undertaken during the COVID-19 period cannot be reopened after a lapse of several years, particularly in the year 2026, when no extraordinary circumstances exist and when no vacancy is available at present at District Council for Child Welfare, Bhiwani or any other branch."

18. From a bare reading of the above, it is clear that the respondent-Council has passed the impugned order after examining

every aspect of the matter and applying its mind in just manner. Even otherwise, petitioner has no vested right to continue. Moreover, once the Centre (AWTC) itself has ceased to exist, where is the question of continuation of services of the petitioner. Valid reasons have been given by the respondent-Council for retaining certain persons while excluding others such as the petitioner.

19. Consequentially, the present Civil Writ Petition stands **dismissed.**

20. Pending application(s) if any also stand(s) disposed of.