

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

CWP No. 10861 of 2015
Date of Decision : 25.5.2015

Sunil Kumar and othersPetitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present : Mr. Puneet Bali, Senior Advocate with
Mr. Vibhav Jain, Advocate, for the petitioners

Amit Rawal, J.

Challenge in the present writ petition is to the public notice dated 22.5.2015 (Annexure P-24) published in pursuance to the order dated 11.5.2015 passed in CWP No. 2968 of 2015. The operative part of the same reads thus :-

“6. These guest teachers may submit their representation/reply to this show cause notice, if any, within the stipulated time period of 24 hours from the date of publication of this notice to the concerned Head of the School i.e. Principal/Headmaster/Elementary Head Teacher of the School in which they are posted. In case, any of these guest teachers fail to submit reply to the Show Cause Notice within 24 hours as directed above, their services will be deemed to have been dispensed with after expiry of 24 hours from the date of publication of this notice. In respect of those who submit their replies, orders will be passed by the concerned District Elementary Education Officer in accordance with law.”

Mr. Puneet Bali, Senior Advocate, submits that the contents of

the order reflects that it is an act of a pre-determined mind seeking the reply is only a farcical exercise and, therefore, the clear cut intention of the Court is to terminate the services. He further submits that in an identical matter i.e. in CWP No. 6493 of 2015, on the same date, this Court had indicated that before taking any action, the petitioners therein, would be given 15 days' time and therefore, there is no parity in the order which has seriously prejudiced the petitioners.

I have heard learned counsel for the petitioners and of the considered view that the present writ petition is pre mature. The petitioners have not filed any reply. The operative part of the order clearly indicates that the affected employees, in case file any reply to the show cause notice, the order will be passed in accordance with law and in absence of the reply, their services would be dispensed with.

Concededly the petitioners have not filed any reply to the show cause notice, thus, they cannot, at this stage, agitate or challenge the show cause notice. However, they shall be at liberty to challenge the final order, purported to be passed in pursuance to the show cause notice.

Even the order dated 11.5.2015, in pursuance to which notice was published, has not been challenged.

There is no merit in this writ petition and accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

25.5.2015
Ashwani