

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.18507 of 2013 (O&M)

Date of Decision : 13.01.2015

Maninderjit Kaur

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1)Whether reporters of local newspapers may be allowed to see the judgment?

2) To be referred to the Reporters or not?

3) Whether the judgment should be reported in the Digest?

Present : Mr.C.L.Pawar, Advocate for the petitioner

Mr. Harkesh Manuja, Addl. AG, Punjab

MAHESH GROVER, J.

The petitioner is working as guest faculty Lecturer with the respondent no.3 college. No appointment letter has been issued to her according to the assertion made before this Court. It is not in dispute that the petitioner continues to work since 2011. Her apprehension that her services are going to be replaced is borne out from advertisement (Annexure P-2) which is an advertisement issued by the respondents indicating a proposal to induct guest faculty Lecturers in various subjects including Sociology i.e the one which is taught by the petitioner.

Learned counsel for the petitioner contends that the respondents cannot dispense with the services of the petitioner by another set of guest faculty Lecturer unless her work and conduct is found unsatisfactory.

Reply has been filed to the petition which indicates that the

college is in a pressing need for faculty. If that be so and there is no complaint against the petitioner who has been working since 2011 induction of any other lecturer on similar terms to replace the services of the petitioner would be totally arbitrary and contrary to the settled proposition of law i.e the contractual or a guest faculty employee cannot be replaced by another set of employees on similar terms.

Having regard to the aforesaid and keeping in view the material on record which gives a sufficient credence to the apprehension of the petitioner that her services are likely to be replaced by another set of employees working a similar terms, instant petition is disposed of with a direction that services of the petitioner be not dispensed with and replaced with another set of contractual or guest faculty arrangement. However, the respondents would be at liberty to dispense with the services of the petitioner in case her work and conduct is unsatisfactory or regular incumbents are appointed.

Disposed of.

January 13, 2015
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(MAHESH GROVER)
JUDGE