

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 25252 of 2014

Pronounced On : 24.04.2015

Dr. Sukhwinder Kaur		Petitioner
vs.		
Panjab University, Chandigarh and others		Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. S. S. Majithia, Advocate
for the petitioner.

Ms. Priya Anand, Advocate
for the respondents.

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DEEPAK SIBAL, J. :

Through order dated 01.09.2010, the petitioner was appointed by the respondent – Panjab University, Chandigarh (hereinafter referred to as – the University) as an Assistant Professor in Disability Studies in the Department of Community Education and Disability Studies, on contract basis, for the academic session 2010-11 or till the post is filled up on regular basis, on a consolidated salary. As per the relevant terms and

conditions governing such appointment, her appointment was for a period of one year or up to the age of 65 years or till the post is filled up by way of regular selection. Through separate orders, the term of the petitioner was extended year after year and the most recent order of extending the term of appointment is dated 19.08.2014 (Annexure P-6), which reads as under :-

“Punjab University Chandigarh

<i>From</i> <i>Registrar</i> <i>Punjab University</i> <i>Chandigarh</i>		<i>To</i> <i>The Chairperson</i> <i>Dept. of CE&DS, PU,</i> <i>Chandigarh</i>
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No. 7751

dated 19.08.2014

Madam,

*Please refer to your letter dated 24.7.2014
regarding appointment of G. F.*

*In this regard, I am to inform you that the
Vice-Chancellor has appointed following
personas G.F. on lecture basis on an honorarium
of Rs.1000/- per lecture subject to the ceiling of
Rs.25000/- p.m. w.e.f. the date they start work for
the session 2014-15, against the vacant positions
of the department, subject to the condition that
nobody is more than 65 years of age and NOC*

*from the HOD concerned in case they are working
in other department (if not obtained earlier)*

Sr. No. Name

1. Dr. Sukhwinder Kaur

2. Md. Saifur Rehman

They may please be informed accordingly.

Yours faithfully,

Deputy Registrar (Estt.)”

From the above quoted order, it is clear that the services of the petitioner were hired by the respondent University for the entire academic session 2014-15.

However, rather abruptly, through order dated 01.12.2014 (Annexure P-12), the petitioner's services were curtailed mid-way through the following order :-

*“Department of Community Education and
Disability Studies, Panjab University, Chandigarh*

Ref. No. CEDS/1538

Date : 1/12/2014

*Dr. Sukhwinder Kaur,
Guest Faculty,
Dept. of Community Education & Disability
Studies,
Panjab University.*

Reference to office letter No. 10936/Estt-I

dated 28/11/2014 received from DR

Establishment, you are hereby informed that :

The services of the present guest faculty shall be terminated with the end of the current semester. In the next semester, fresh appointment of guest faculty may be made as per the requirement of the department. The Academic and Administrative Committee shall decide about the need of the lectures to be given to the guest faculty.

If necessary, the requisite changes may be made in the qualifications for the post of regular faculty in the Academic/Administrative Committees of the department and the recommendations of the Committee may be got duly approved from the D.U.I. before advertising the pots.”

As per the order dated 19.08.2014 (Annexure P-6), the petitioner would have continued in service for the entire academic year 2014-15 i.e. till May/June 2015, but her services were abruptly cut short

through order dated 01.12.2014 (Annexure P-12).

It is admitted before me that before passing of the above order dated 01.12.2014, no notice or any sort of hearing was granted to the petitioner.

A perusal of the above quoted order dated 01.12.2014 further shows that no reasons whatsoever have been disclosed so as to why the services of the petitioner were being abruptly done away with.

If the services of an employee, who has been appointed for a fixed tenure, are to be curtailed before the expiry of the period of appointment, the same can only be done by following the principles of natural justice. The holder of such post is also entitled to be made aware of the reasons so as to why his/her tenure of appointment is being cut short.

The respondent University had sought to justify its action by stating that the petitioner is not eligible to hold the post that she was holding and under pressure from the directives of Rehabilitation Council of India (RCI), the petitioner's services were abruptly terminated.

Order dated 01.12.2014 (Annexure P-12), through which the services of the petitioner have been terminated, does not contain any of the reasons so mentioned by the respondent University in its written statement. Once these reasons are not borne out from the order of termination of services of the petitioner, the respondent University cannot be allowed to justify the termination order impugned by the petitioner through reasons,

which have only seen the light of the day, for the first time, in the written statement filed by the respondent University to the present writ petition. This issue stands settled by the judgment of Apex Court in **Mohinder Singh Gill and another vs. The Chief Election Commissioner, New Delhi and others** reported as **(1978) 1 Supreme Court Cases 405**, wherein it has been held as under :-

“8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise.”

At this stage, it would be useful to refer to the minutes of meeting dated 19.11.2014 (Annexure P-11), held in the office of Dean University Instructions – respondent University, headed by the Vice Chancellor of the respondent University which show that one of the reasons, so as to why the services of the petitioner were abruptly terminated, was, because, according to the University, the petitioner had been making false complaints with regard to the credentials of regular faculty to the National Commission for Scheduled Castes.

Be that as it may, the impugned order dated 01.12.2014

(Annexure P-12) is quashed solely for the reason that the same is violative of principles of natural justice and is a non-speaking order, spelling out no reason, so as to why the services of the petitioner have been terminated, with all consequential benefits. However, the respondent University is permitted to proceed against the petitioner, in accordance with law.

The writ petition stands allowed in the above terms.

**(DEEPAK SIBAL)
JUDGE**

Pronounced On : 24.04.2015

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