

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 119 of 1999

Date of decision: 1.9.2016

Joginder Singh

... Petitioner

Versus

The State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. RK Malik, Sr. Advocate, with
Ms. Rimple Kadyan, Advocate,
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. Rajesh Hooda, Advocate,
for respondent No.3.

RAJIV NARAIN RAINA, J.(Oral)

Having regard to the averments made in paragraphs 8 & 9 of the short reply filed on behalf of respondent No.3, the employer, this petition requires no further adjudication since the governing body of the college has approved the appointment of the petitioner to the post of Lecturer in Botany in its meeting held on January 19, 2002 during the pendency of the petition. Copy of the minutes of the meeting dated January 19, 2002 is appended as Annex R-5/1. The second post of Lecturer in Botany was added by corrigendum to the original advertisement and is occupied by Mr. Joginder Singh whose appointment has also been approved by the Vice-Chancellor of the affiliating University i.e. Maharishi Dayanand University, Rohtak vide letter dated May 26, 2003. It may be noted that trouble for the petitioner began when the Deputy Commissioner, Rohtak was appointed as Administrator of the College and he is attributed passing of the adverse verbal order to the Principal to relieve the petitioner from

service. The *firman* of the Deputy Commissioner was rather sheepishly carried out by the Principal who may have had no option except to fall in line and not question the authority of the officer which led to filing of this petition. On the first date of hearing, the Division Bench issued notice of motion and stayed the operation of the impugned order at Annex P-6 till further orders. The order was passed on January 8, 1999 and has continued in force, which now deserves to be made absolute with the passage of 17 years. The supervening events confirm that the position that the petitioner was seriously wronged and dealt with unfairly and had to suffer for the whimsical direction issued by the Deputy Commissioner to the Principal of the College to disengage the services of the petitioner, a direct recruit to the aided post. The College received grant-in-aid from the Government and the Deputy Commissioner, Rohtak took undue advantage of his position thinking that the College was remiss in issuing the corrigendum adding another post of of Lecturer in Botany while the advertisement notified only one vacancy.

As a result of the foregoing reasons recorded, this petition is allowed. The petitioner would be treated as a regular of Lecturer in Botany for all intents and purposes. However, costs which will be borne by the respective parties.

(RAJIV NARAIN RAINA)
JUDGE

1.09.2016
monika

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No