

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

**CWP No.2061 of 2006 (O&M)
Decided on :07.01.2016**

Harmesh Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

G.S. Sandhawalia , J. (Oral)

The petitioner challenges the order dated 17.07.2005 (Annexure P-10), whereby his name was struck off from the regular register against the post of a Cleaner. The said order was passed after issuing a show cause notice dated 27.06.2005 (Annexure P-8), which was replied by the petitioner on 07.07.2005. The reasoning given by the respondent No.3 is that the said register was not correct as there were vacations in the college from 01.06.2005 to 12.06.2005 and the Principal was on leave. The entry was by a back-door and the appointment letter issued was wrong and there was no approval from the competent authority-DPI.

A perusal of the file would go on to show that in the show cause notice, it would be clear that the post was never advertised and neither the approval of the Director was taken. No demand letter had been sent to the employment-exchange. It was in such circumstances, the petitioner was asked to show cause as to how he was marking his presence in the register pertaining to the regular employees. Even in the reply (Annexure P-9) to the show cause notice, nothing has been put forth by the petitioner that the post was duly advertised and he was one

of the successful contenders for the post and that was a proper selection in which one and all had applied. Nothing has also been pointed out that the petitioner had drawn salary also for the said period. Rather a perusal of letter dated 13.06.2005 (Annexure P-7) would on to show that the Principal had sought permission to fill up the post of the Cleaner which was lying vacant and recommended the case of the petitioner who was working on D.C. rates. There was no reference made to the alleged appointment letter dated 11.05.2005 (Annexure P-11) at that point of time.

A perusal of the reply filed on behalf of respondent No.3 would go on to show that the petitioner's father was working as a Chowkidar and was occupying a quarter in the premises of the college. The petitioner had worked for 89 days on daily-wages for various periods in the year 2001 and 2003 out of students fund for the post of Beldar, as per Annexures P-12 and P-13.

It is, thus, apparent that the petitioner's selection was totally irregular and it is the whims and fancies of the then Principal vide which the appointment letter dated 11.05.2005 was issued. The moment the same came to the notice of the DPI on 01.07.2005, the same was not approved which led to resulting in passing of the impugned order.

In such circumstances, there is no scope for interference in the impugned order. The present writ petition is accordingly dismissed, as the irregular appointment was rectified at the earliest within a period of 2 months.

JANUARY 07, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE