

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

CWP No.15164 of 2016 (O&M)

Date of decision:09.08.2016

Kaptan Singh & others

... Petitioners

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. S.P. Arora, Advocate for the petitioners.

Mr. Ravi Pratap Singh, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioners were appointed as Auditors under the Local Audit Department, State of Haryana in pursuance to a selection process conducted in the year 2014.

Petitioners who were three in number hold a graduate degree from C.M.J. University, Shilong, Meghalaya.

Challenge in the instant writ petition is to the Memo dated 13.07.2016 (Annexure P-9) in terms of which their services are sought to be terminated on the ground that the degree possessed by them from C.M.J. University, Shilong, Meghalaya is not a valid qualification.

On the last date of hearing i.e. on 01.08.2016 contention raised by learned counsel appearing for the petitioners was noticed that even though the impugned Memo dated 13.07.2016 (Annexure P-9) is styled as a notice for termination of service, yet a decision has already been taken and which would be apparent from the operative part of the Memo and which reads as follows:

“Therefore, in compliance of order of Additional Chief

Secretary to Govt. Haryana, Finance Department issued vide his memo No.14/76/2015-3FA dated 12.07.2016 your services will be terminated with effect from 13.08.2016.”

Upon noticing the contention made by counsel, a complete copy of the petition had been furnished to learned State counsel and who had been directed to complete instructions in the matter.

During the course of resumed hearing today, Mr. Ravi Pratap Singh, learned Assistant Advocate General, Haryana upon instructions from Mr. Sunil, Auditor, Local Audit Department, Panchkula, Haryana would very fairly state that prior to taking a final view and passing a final order in the matter, an effective opportunity of hearing would be afforded to the petitioners.

In the light of such categoric and fair stand taken on behalf of the State, the present writ petition is disposed of in the following terms:

- i) The impugned memo dated 13.07.2016 (Annexure P-9) would not be put into operation for a period of eight weeks from today.
- ii) In the meanwhile, petitioners are granted liberty to submit written submissions in response to the Memo dated 13.07.2016 (Annexure P-9) within a period of one week from today.
- iii) Respondent No.2/Director, Local Audit, Panchkula, Haryana would take a final decision with regard to the termination of services of the petitioners against the backdrop of the qualifications possessed by them after taking into consideration the written submissions preferred by the petitioners and by passing a well reasoned speaking order.

Such final decision shall be taken by respondent No.2 within a period of six weeks after submission of the written submissions by the petitioners.

It is clarified that in case the petitioners choose not to furnish the written submissions within the stipulated time frame of one week, respondent No.2 would be at liberty to take a final view and to pass appropriate orders.

Disposed of.

09.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether reasoned/speaking? | Yes |
| ii) | Whether Reportable? | Yes |