

CWP No. 25401 of 2014

1

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

**CWP No. 25401 of 2014
Date of Decision : 03.08.2016**

Dr. Ruchita Dixit

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Gurvinder Sandhu, Advocate for the petitioner.

Mr. Karminder Singh, Advocate,
Mr. Rajinder Nischal, Advocate,
Mr. Ashish Nischal, Advocate and
Mr. Amit Kumar Jain, Advocate
for respondents No. 1 to 3.

P.B. Bajanthri, J.(Oral)

In the instant writ petition, petitioner has questioned the order/communication dated 24.11.2014 (Annexure P-10) issued by the respondents, vide which, appointment of the petitioner was cancelled.

On 15.03.2014, respondents had notified various posts in respondent No. 3 Institute. Petitioner is one of the candidate for recruitment to the post of Specialist (Bio-science). On 29.08.2014 petitioner was called for interview to be held on 18.09.2014. The petitioner was selected and she was offered appointment for the post of Specialist (Bio-science) on 25.09.2014. She had given her consent for acceptance of offer of appointment on 30.09.2014 and had completed all formalities before joining

service. To her surprise and shock, the respondents had communicated that offer of appointment has been cancelled and appointment letter dated 25.09.2014 has been withdrawn on 24.11.2014. Extract of the communication reads as under :-

“No. IPFT/P&A/PF-111 Date: 24th November, 2014

To,

*Dr. Ruchita Dixit
D/o Shri R.P. Dixit
168, Abhilasha, ELDECO,
Udyan-II, Raibareilly Road,
Lucknow (U.P.)-226 025.*

***Sub: Cancellation & Withdrawal of Letter No.
IPFT/P&A/PF-111 dated 25.09.2014***

Dear Dr. Dixit,

*Due to some administrative reasons, our letter
No. IPFT/P&A/PF-111 dated 25.09.2014 may please be
treated as cancelled and withdrawn.*

Thanking you.

Yours Faithfully,

*(Dr. S.K. Raza)
Director”*

Thus, the petitioner is aggrieved insofar as cancellation and withdrawal of appointment communication dated 25.09.2014. Hence this petition.

Learned counsel for the petitioner submitted that the post Specialist (Bio-science) (one post) (Unreserved) was advertised. Petitioner is one of the candidate for recruitment to the said post. She was selected and appointed on 25.09.2014. Thereafter formalities had been completed

before joining the service. On 24.11.2014, order of appointment had been cancelled and withdrawn without assigning any reason. What has been stated in Annexure P-10 is only, “due to some administrative reasons.” Counsel further submitted that when order of appointment had been issued and acceptance had been confirmed by the petitioner, it was duty of the respondents to issue show cause notice and assign the reason for cancellation and withdrawal of the appointment communication. Therefore, on the sole ground that impugned communication is in violation of Articles 14 and 16 of the Constitution of India and the impugned communication dated 24.11.2014 is to be set-aside.

Per contra, learned counsel for the respondents submitted that appointment communication dated 24.11.2014 (Annexure P-10) has been issued with reference to the communication of the Government of India, Ministry of Chemical and Fertilizers, Department of Chemicals & Petrochemicals dated 13.11.2014, para 2 of the communication reads as under :-

“2. The matter was examined in detail in this Department. It was observed that the Screening Committee had not screened the applications properly and exceeded its brief. This has resulted in denial of opportunity to the eligible candidates. Therefore, you are directed to scrap the proceedings of the Screening Committee meeting held on 11.07.2014 and also the consequent actions taken thereafter in recruitment to the post of Deputy Chief (Bio Science).”

Due to aforementioned defects in the process of selection and

appointment. Thus, there is no infirmity in cancellation and withdrawal of the appointment letter dated 25.09.2014.

Heard the learned counsel for the parties.

In view of the above facts and circumstances, it is evident from the records that no reasons are forthcoming for cancellation and withdrawal of the appointment letter dated 25.09.2014. The communication dated 24.11.2014 (Annexure P-10) is without issuance of show cause notice and before cancellation or withdrawal of the selection and appointment of the petitioner, minimum requirement of notice has not been issued. Reasons should be assigned in the show cause notice so as to meet reasons in the reply.

Having regard to the above discussion, petition is allowed. The petitioner is entitled for remuneration/salary attached to the post of Specialist in Bio-science till the final decision is taken by the respondents after complying due procedure in accordance with law. This order would not come in the way of issuing show cause notice and proceed further. Such exercise shall be undertaken by the respondents within a period of three months from today.

Petition stands allowed.

August 03, 2016.
kanchan

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned? Yes

Whether reportable? No

