

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

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C.W.P. No. 26920 of 2015 (O&M)

Date of decision: May 12, 2016

Jitender Kumar & Anr.

.... Petitioner

Vs.

State of Haryana & Anr.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Gaurav Mohunta, Advocate, for the petitioner.

Mr. Rajesh Gaur, Addl.A.G. Haryana.

RITU BAHRI, J (ORAL)

The petitioners are seeking quashing of order dated 20.11.2015 (Annexure P-1) vide which, they have not been reinstated back into service despite setting aside of their termination orders by this Court vide order dated 24.04.2015 (Annexure P-6).

Notice of motion was issued on 23.12.2015 on the ground that one Sh. Naresh Kumar Vashishtha, who was similarly situated as the petitioners and whose service was terminated before taking over of the college by the respondents which termination was set aside vide order dated 23.08.2014 has been reinstated in service. The same benefit was not extended to the petitioners.

Learned counsel for the petitioners has now informed the Court that C.W.P No. 24845 of 2014 filed by Governing Body, Siksha Samiti of P.K.S.D College has been decided on 05.04.2016. A perusal of the judgment shows that termination order has been set aside in a civil suit vide

judgment dated 23.08.2014 and this judgment had been accepted by the Educational Tribunal on the ground that no service rules for self-financing colleges have been framed and appointment of Sh. Naresh Kumar Vashistha, had been made on the recommendations of the committee which was duly constituted by the State Government. After the judgment passed by District Judge, Narnaul on 23.08.2014, M.D.University, Rohtak had granted approval of selection and thereafter he had been reinstated. Services of the petitioners had been approved by the M.D.University vide Annexure P-4, dated 20.08.2007.

In view of the above, it transpires that the petitioners are better placed than Naresh Kumar Vashistha. Since the State had accepted the judgment dated 05.04.2016, the present writ petition is allowed in terms of said judgment and the respondents are directed to reinstate the petitioners along with consequential benefits.

Ordered accordingly.

May 12, 2016
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(RITU BAHRI)
JUDGE