

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

C.W.P No. 771 of 2016

Date of decision : 15.01.2016

Satish Saini

...Petitioner

versus

**Galaxy Global Trust Edu.
Trust's Group of Institution & ors**

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Longia, Advocate
for the petitioner.

RITU BAHRI , J.

Petitioner-Satish Saini has filed the present petition for setting aside termination orders dated 14.12.2012 (P-6), 24.12.2012 (P-7) and 20.08.2015 (P-11) passed by learned District Judge, Ambala exercising the power of Haryana Technical Education Tribunal and further issuance of direction to the respondents to re-instate the petitioner with continuity of service and arrears of salary with 9% interest and with all consequential benefits.

A perusal of impugned order dated 20.08.2015 (P-11) shows that the petitioner was appointed to the post of Assistant Professor vide appointment letter dated 13.08.2010 in the Faculty of Engineering and Technology, Galaxy Global Edu. Trust Group of Institution and he joined the institution on 13.10.2010 and was later on promoted as Head of the

Department of the Electronics and Communication Engineering in the said institution. The petitioner was initially appointed on probation for a period of one year and as per offer letter, on successful completion of probation, his services were to be considered for regularisation. But the services of the petitioner was terminated vide impugned order dated 24.12.2012.

The grievance of the petitioner was that his termination from service is contrary to the terms and conditions of the appointment letter.

In the order dated 20.08.2015, it has been clearly stated that there is nothing on record to suggest that the petitioner was ever considered for regularization by the Management or was actually regularized at any point of time. His termination letter was signed by the Chairman and Director General and as per termination letter dated 24.12.2012, the services of the petitioner have been terminated in terms of condition No. 2 (iii) of the appointment letter dated 13.08.2010 and no stigma is attached in the said termination order. Condition No. 2 (iii) of the appointment letter reads as under:-

“2. Terms and Conditions

“(iii) Service is liable to be dismissed without assigning any reason, with a notice of one month in writing or payment of one month emoluments in lieu thereof. This is applicable for both the

parties. However, in case, notice to leave the services given by you expires before completion of a semester, you will have to serve the institute till the completion of semester.”

Impugned order has rightly been passed by relying upon the judgment of Hon'ble the Supreme Court of India in ***Dipti Prakash Banerjee vs. Satyendra Nath Bose National Centre for Basic Sciences, Calcutta (1999) 3 SCC 60*** whereby it was held that as to in what circumstances, an order of termination of probationer, can be said to be punitive or not, depends upon whether certain allegations, which are the cause of termination are the motive or foundation.

Once in the appointment letter, it has clearly been written that the service of the petitioner can be terminated any time by giving him one month's notice in writing or payment of one month emoluments in lieu thereof. This was applicable for both the parties. The petitioner was paid one month emoluments of Rs.40,365/- vide cheque No. 033730 dated 24.12.2012. So no case for quashing orders dated 14.12.2012 (P-6), 24.12.2012 (P-7) and 20.08.2015 (P-11) is made out.

The petition is dismissed, being devoid of any merit.

(RITU BAHRI)
JUDGE

15.01.2016

G Arora