

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

CWP No.14054 of 2014

Date of Decision:21.09.2017

Ranjan Pandey and another	Vs.	... Petitioner
Union of India and others		... Respondents

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

Present : Mr. Jagjit Gill, Advocate for the petitioner.
 Mr. Suvir Sehgal, Advocate for the respondents.

P.B. BAJANTHRI J. (Oral)

In the instant writ petition, petitioners have challenged the validity of the order of termination dated 2.1.2014 (Annexure P-3 and P-4).

Petitioners were appointed as a salesman on 2.7.2011 on probation. After completion of probation period, it was extended upto 3.1.2014. In the meanwhile, respondents have warned both the petitioners relating to their unsatisfactory work with reference to complaints Annexures R-2/1 and R-2/2. Thereafter, once again warning were issued vide Annexures R-2/3 to R-2/10 including a show cause notice dated 11.1.2012.

Learned counsel for the petitioners contended that order of termination is in violation of clause (e). of order of appointment to the extent that before termination, one month notice is required to be issued. It was further contended that services of one Shri Raj Kumar Thappa were also terminated which was subject matter of litigation before this Court and during pendency of the litigation, respondents suo moto reinstated him. Consequently, writ petition was disposed of as it has become infructuous. Hence, petitioners' case is also similar to that of Shri Raj Kumar Thappa.

Per contra, learned counsel for the respondents while resisting the petitioners' claim with reference to not giving of one month notice, it

was submitted that there is an alternative clause to issuance of one month notice i.e. one month pay. The respondents have made payment of one month pay to the petitioners by issuing cheque. Therefore, there is no violation of clause (e) of order of appointment dated 2.7.2011. It was further submitted that it is not the case that abruptly their services were terminated. Before terminating their services both of them have been warned in writing from time to time on three occasions and show cause notice was issued to mend their conduct. Faced with this, respondents have proceeded to terminate the petitioners' services. Hence, petitioners have not made out a case so as to interfere with the impugned order.

Heard learned counsel for the parties.

Crux of the matter in the present petition is whether termination is in violation of order of appointment or not? Perusal of the record, it is evident that respondents have complied the condition stipulated in the order of appointment to the extent by paying one month pay in advance in lieu of notice. Petitioners' case cannot be compared with one Shri Raj Kumar Thappa for the reasons that no material has been placed on record to the extent whether Shri Raj Kumar Thappa had been issued warning or not before his termination. Therefore, question of discrimination do not arise having regard to the conduct of the petitioners during their probation period and the fact that their work was not satisfactory. In view of these factual aspects, no interference is called for insofar as termination orders.

Accordingly, petition stands dismissed.

21.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No