

CWP-24613-2012

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

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Date of Decision : 24.05.2017

Tika Ram Education Society (Registered)

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ashok Sehrawat, Advocate for
Mr. Rajbir Sehrawat, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

Ms. Alka Chatrath, Advocate
for respondent Nos. 3 and 4.

Mr. Manoj Chahal, Advocate
for respondent No. 5.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order dated 13.07.2012 (Annexure P-19) whereby the Director Secondary Education set aside the termination orders passed against respondents No. 3 to 5.

The contention of the learned counsel for the petitioner is that respondents No. 3 to 5 were appointed against unsactioned post by the Administrator illegally and consequently their services were terminated. Learned counsel for respondents No. 3 to 5 however argued that these respondents were not appointed by the Administrator but were appointed by the Management 30 years ago after following the procedure and further

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argued that the ground taken to terminate the services of these respondent was that they were surplus, but at that time persons junior to them had been retained and this fact has not been denied by learned counsel for the petitioner either in the writ petition or in the replication.

Once that is so, it has been naturally follow the principle of 'last come first go' is applicable. If the petitioner thought that the respondents No.3 to 5 were surplus then it was incumbent to have first terminated the services of juniors. The argument now sought to be raised that their appointment itself was illegal was not pressed when their services were terminated and consequently petitioner cannot now be heard to argue the same.

In these circumstances, petition stands dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

24.05.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No