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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.23964 of 2015 (O&M)
Date of Decision : 26.04.2017

Dr. S.K. Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.K. Gupta, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. D.A.G., Haryana
for respondents No.1 and 2.

Mr. Tribhuvan Dahiya, Advocate
for respondent No.3.

Mr. H.P.S. Bhinder, Advocate
for respondents No.4 and 5.

Mr. Anurag Goyal, Advocate
for respondent No.6.

AJAY TEWARI, J. (Oral)

The petitioner was appointed as Vice Chancellor of YMCA University of Science & Technology, Faridabad vide appointment letter dated 06.08.2015 (Annexure P-1). Since he was working as a Professor with the respondents No.4 and 5 he had applied through proper channel. He immediately requested them to relieve him so that he could join the new

post. However, by the time he was able to get the order of relieving the respondents No.1 to 3 appointed the person next in the waiting list i.e. the respondent No.6 to the post of Vice Chancellor and that order (Annexure P-4) has been challenged by the petitioner.

The case of respondent Nos.1 to 3 is that after waiting for the petitioner to join for approximately about 2 months and 20 days they had no option except to appoint another candidate and they appointed the respondent No.6 as Vice Chancellor for the seminal post which had been lying vacant already for the past 8 months.

The contention of the learned counsel for the petitioner is twofold. Firstly, that no time for joining was mentioned in the appointment letter. Secondly, the respondents No.1 to 3 were obligated to at least give notice to the petitioner to inform him that if he did not join in any prescribed time his appointment was at risk.

In my opinion, the arguments of the learned counsel for the petitioner can not succeed even though no fault can be attributed to him for the simple reason that no fault can be attributed to respondents No.1 to 3 also. In the petition the petitioner has nowhere stated that he ever approached the respondents No.1 to 3 about the inaction of the respondents No.4 and 5. Had he done so, it could have been argued that the respondents No.1 to 3 were bound to inform him before cancelling his appointment but what has emerged in the present case is that after the acceptance of the letter of appointment on 10.08.2015 nothing further was heard by the respondents No.1 and 3 from the petitioner for about 2 months & 20 days. It is against this backdrop of fact that the action of the respondents No.1 to 3 in

appointing respondent No.6 has to be judged.

Learned counsel for the petitioner has relied upon some judgments which have noticed that a person getting appointment letter of any organ of the State can not join a new job without being officially relieved. He has further relied upon some other judgments wherein it has been held that an opportunity of hearing has to be given before cancelling the appointment of a person. Both these propositions of law are unexceptionable but they are not attracted in the present case. At no stage the respondents No.1 to 3 pass an order cancelling the appointment of the petitioner. What they were confronted is a situation where a person having accepted the offer of appointment did not turn up to join the post of Vice Chancellor for a period of about 2 months & 20 days. In the circumstances, I regret my inability to agree with the learned counsel for the petitioner that the appointment of respondent No.6 has to be cancelled.

Consequently, the petition is dismissed.

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

April 26, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No