

In the High Court of Punjab and Haryana at Chandigarh

CWP No.5912 of 2016
Date of Decision: April 18, 2017

Vishal Verma

... Petitioner

Versus

Kurukshetra University, Kurukshetra and others

... Respondents

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

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Tej Pal Dhull, Advocate,
for the petitioner.

Mr. A.S. Virk, Advocate,
for respondent No.1.

Mr. Tribhuvan Dahiya, Advocate,
for respondent No.2.

Mr. Aproov Garg, DAG, Haryana

P.B. Bajanthri, J. (Oral)

1. In the instant writ petition, petitioner has questioned the validity of order dated 17.03.2016 (Annexure P/7) by which the second respondent has requested first respondent to relieve the petitioner as Assistant Professor (Computer Science) with reference to the administrative difficulties faced by 2nd respondent – Chaudhary Ranbir Singh University, Jind.

2. By virtue of interim order of status quo dated 30.03.2016, petitioner is continued in Kurukshetra University.

3. Petitioner is stated to have been selected and appointed as Lecturer (for MCA Programme) in Kurukshetra University Post Graduate Regional Centre, Jind on 11.09.2007. While working as such, Post Graduate Regional Centre, Jind was upgraded as Chaudhary Ranbir Singh University,

Jind on 02.12.2014. Consequently, petitioner was part and parcel of Chaudhary Ranbir Singh University, Jind. It is learnt that petitioner was on deputation to Kurukshetra University, Kurukshetra from 2nd respondent – Ch. Ranbir Singh University, Jind in the year 2014 and he is continued to be on deputation to Kurukshetra University. On 17.03.2016, 2nd respondent – Ch. Ranbir Singh University, Jind requested the Registrar, Kurukshetra University to relieve the petitioner in the administrative interest (Annexure P/7) which is under challenge.

4. Learned counsel for the petitioner submitted that petitioner's services have been merged with Ch. Ranbir Singh University, Jind while he was working in Post Graduate Regional Centre, Jind (Kurukshetra University) on 02.12.2014. Without consent of the petitioner, petitioner's services have been merged with Ch. Ranbir Singh University, Jind along with Post Graduate Regional Centre, Jind.

5. Petitioner did not raise objection nor even in the present petition he has not questioned Annexure P/2 to the extent that without the consent of the petitioner, his services cannot be merged with Ch. Ranbir Singh University, Jind. Thereafter, petitioner was sent on deputation.

6. Perusal of the record, it is evident that petitioner was on deputation from Ch. Ranbir Singh University, Jind to Kurukshetra University even at that point of time so also deputation order he has not questioned. Deputation order itself is crystal clear that petitioner's services have been in Ch. Ranbir Singh University, Jind. Thus, petitioner's contention that consent is required for the purpose of merger of Post Graduate Regional Centre, Jind with Ch. Ranbir Singh University, Jind (newly created University), is not tenable.

7. Learned counsel for the petitioner relied on decision of Supreme Court in *Jawaharlal Nehru University vs. Dr. K.S. Jawalkar*, reported in 1989 AIR (SC) 1577 to demonstrate that consent of an employee is required for the purpose of transferring or merging his services to a different employer. Said contention is distinguishable with reference to the facts of the present case for the reason that petitioner has not questioned the newly creation of Ch. Ranbir Singh University, Jind, in which the Post Graduate Regional Centre, Jind of Kurukshetra University is merged or created along with Ch. Ranbir Singh University, Jind. Cause of action accrued to the petitioner in the year 2014 as and when the Post Graduate Regional Centre, Jind was merged with Ch. Ranbir Singh University, Jind and so also when petitioner has been transferred on deputation to Kurukshetra University on 14.08.2014. In other words, petitioner was very much aware that his lien is with Ch. Ranbir Singh University and not with Kurukshetra University. Petitioner has failed to question Annexure P/2. Consequently, no infirmity in Annexure P/7 insofar as requesting the Registrar, Kurukshetra University by 2nd respondent to relieve the petitioner who is on deputation. 2nd respondent is parent authority and has every right to recall the services of its employee whenever an employee is on deputation. Thus, petitioner has not made out a case so as to interfere with order dated 17.03.2016 (Annexure P/7).

8. Accordingly, instant writ petition stands dismissed.

April 18, 2017

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Whether reasoned / speaking : Yes

Whether reportable : No

**[P.B. Bajanthri]
Judge**