

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

CWP No.17560 of 2011

Date of Decision: 25.04.2018

Kanwal Vir Juneja Petitioner

Vs.

State of Haryana and others Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:- Mr. Pankaj Sharma, Advocate for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. Tribhuvan Dahiya, Advocate for respondents
No.2 and 3.

RAJIV NARAIN RAINA, J.(Oral)

The petitioner was taken on deputation by the respondent- University on lending of his services by the Guru Jambheshwar University, Hisar in the year 2014. The respondent- University has no objection to absorb the petitioner as an Assistant provided the parent department issues 'No Objection Certificate' to the petitioner. The parent department is not a party to this petition. Neither the parent department has asked for repatriation of the petitioner all these years nor has it taken any umbrage to the petitioner working in the respondent - Bhagat Phool Singh Mahila Vishwavidyalaya, Sonapat. It has taken no action against the petitioner. On 06.07.2017, an interim order was passed whereby learned counsel for the petitioner sought one month's time to obtain the necessary 'No Objection Certificate'. The petitioner has not been able to get the 'No Objection Certificate'.

Before considering the prayer in the petition, a word on the history of the case would help. Initially, the petitioner was selected by the respondent- University in 2010. He joined the service on 11.02.2011 and was relieved on 25.04.2011 vide impugned order (Annexure P.10). The relieving order has been challenged in this petition filed in 2011.

In view of the stand of Mr. Dahiya, appearing for the University, it is not necessary to express any opinion on the impugned order, since the respondent- University is willing to take the petitioner on permanent basis after absorption subject to 'No Objection Certificate'. Instead of keeping this matter pending, in the face of a willing employer, i.e. respondents No.2 and 3, it would, in my opinion, serve justice if the respondent- University treats the case as one of deemed 'No Objection Certificate' severing the link of the petitioner with the parent University. If the parent University has had no objection so far then it is likely not to have any in the future. Neither would any prejudice be caused to parent University if such a method is adopted.

Accordingly, the petition is allowed. The respondent- University is directed to consider the case of absorption of the petitioner by treating the case as one of deemed 'No Objection Certificate'. Necessary orders be passed within a month.

April 25, 2018
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(RAJIV NARAIN RAINA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No