

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 07.08.2018****CWP No.9521 of 2014**

Naresh Gupta & others

...Petitioners

Vs.

Vaish Education Society through its Administrator -cum- Deputy
Commissioner, District Rohtak & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioners.

Mr. M.K.Mittal, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

It is apparent that the petitioners or their counsel have abandoned the petition for the fourth time in succession. The coordinate Bench had warned the petitioners on 03.07.2017 while adjourning the case in the interest of justice that if the matter is not argued on the next date of hearing in terms of the order dated 27.04.2017, the petition shall be deemed to have been dismissed in default. However, in the interest of justice, it is not found appropriate to dismiss the petition for non-prosecution and in default of appearance as it would be best to decide the case on merits.

This petition arises out of an order passed by the Educational Tribunal, Rohtak on 15.01.2014. The brief facts are like this. The petitioners were appointed as Lecturers in different teaching departments of the college

run by the Vaish Education Society. Their appointments were on temporary basis and their services could be terminated at any stage, if it was found that the appointments were not as per Rules. The appointments were under the self financing scheme of the college duly approved by the affiliating university, that is, the Maharishi Dayanand University, Rohtak.

After going through the documentary evidence on record, the Tribunal vide order dated 15.01.2014 held that the appointments were not by duly constituted committee as per rules and on this account, the appointments were legally flawed and this is what had resulted in orders reliving the petitioners from service. In challenge to the orders, the learned Tribunal has held that since the petitioners were appointed on purely contractual basis on consolidated salary, the petitioners have no right to be reinstated back in service. They are not regular employees on sanctioned aided posts. The learned Tribunal held that in case the petitioners feel that they are entitled for one months' salary as per their contract agreements, they have every right to seek the same by way of recovery.

Having gone through the order dated 15.01.2014 with the assistance of Mr. Mittal and the submissions as above; I find no legal infirmity in the order apparent on the face of record and would dismiss the petition.

07.08.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No