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

CWP-792-2018

Date of decision-17.01.2018

Baljeet Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Sharma, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 21.12.2017 (Annexure P-8) passed by respondent No.4 whereby the service of the petitioner had been terminated.

It is the case of the petitioner that he was selected as Vocational teacher under the Centrally Sponsored Scheme termed as “Vocationalization of Higher Secondary Education Programme” and he joined his duties as such in respondent No.3-School on 09.09.2014. During the period of his service, his work and conduct was appreciated as reflected in Annexure P-3 colly. Further respondent No.4 had been deducting Rs.1,500/- per month from the salaries of the petitioner and other teachers allegedly towards tax deducted at source (TDS). The petitioner and other similarly teachers raised voice against the respondents and a representation dated 12.12.2017 (Annexure P-4) was also moved before respondent No.4 in this regard. Ultimately,

respondent No.4 had to refund the amount illegally deducted by him. To the utter surprise of petitioner, he received a show cause notice dated 26.08.2016 (Annexure P-5) from respondent No.4 alleging that the petitioner had been engaging in unauthorized activity and was also spreading negativity amongst his colleagues. He was asked to show cause as to why his services be not terminated. The petitioner received another e-mail dated 17.11.2017 (Annexure P-6) to the effect that he did not submit the desired information with regard to Guest Lecture and Field Visits Reports on 26.10.2017. Ultimately, vide Annexure P-8, services of the petitioner were terminated.

Learned counsel submits that the petitioner served the respondents for more than three years with full dedication and there was no disciplinary case against him. No opportunity of hearing was given to him. It is asserted that even if the appointment of the petitioner was contractual in nature even then the simple order of termination amounts to violation of Articles 14 and 16 of the Constitution of India.

I have heard learned counsel for the petitioner and have gone through the case file.

It is not in dispute that the employment of the petitioner with respondents was purely of contractual nature. Vide Annexure P-5, the petitioner was issued notice to show cause as to why his service be not terminated for indulging in unauthorized activities. There is nothing on record to show that the petitioner ever responded to the said show cause notice. In the absence of any rebuttal by the petitioner of the alleged

allegation in the show cause notice dated 26.08.2016 (Annexure P-5) and in view of Clause 2(d) of the terms and conditions of the appointment letter Annexure P-2, no case in favour of the petitioner is made out at this stage.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

17.01.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No