

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 13885 of 2019

Date of decision : May 23, 2019

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ROHIT SOLANKI

.....Petitioner

Versus

G.D GOENKA UNIVERSITY AND ANOTHER

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Abhimanyu Kalsy, Advocate for the petitioner.

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RITU BAHRI, J.

The petitioner has filed the present writ petition seeking quashing of the order dated 11.12.2017 (Annexure P-10), vide which the appeal against the order dated 10.9.2015 (Annexure P-9) passed by the Registrar, G.D Goenka University, Gurugram was dismissed. Vide order dated 10.9.2015 (Annexure P-9), services of the petitioner were terminated w.e.f 31.8.2015.

The petitioner was appointed as Assistant Sports Professor by respondent no.1 vide appointment letter 15.9.2014 (Annexure P-1). As per the appointment letter, terms and conditions for termination of the services are reproduced as under:-

1. *“Your appointment will be on probation for one year. Your services can be terminated by either side, without assigning any reason by giving 30 (thirty) days' prior notice or 30 (thirty) days' salary in lieu thereof to the other party. Vacations (if any) will not be counted as part of the notice period. The Management however, reserves the right to relieve you any time after the receipt of notice.*
2. *The Management shall be at liberty to terminate your services without any notice in the event of insubordination, indiscipline, dishonesty, negligence on duty or working against the interest of the University.....”*

The petitioner had been served show cause notices dated 31.8.2015 and 4.9.2015. His services were terminated vide order dated 10.9.2015. The petitioner issued a legal notice dated 28.10.2015 to respondent no.1. Thereafter, he filed an appeal before the District & Session Judge/ Education Tribunal, Gurgaon (Haryana) against the termination of his services. The respondents placed on record show cause notices dated 31.8.2015 and 4.9.2015 which were issued to the petitioner with regard to his misconduct but the petitioner refused to receive these communications. The Tribunal held that as per the terms and conditions of the appointment

letter dated 15.9.2014 (Annexure P-1), management was at liberty to

terminate his services without any notice in the event of insubordination, indiscipline, dishonesty, negligence on duty or working against the interests of the University. Hence his appeal was dismissed.

Counsel for the petitioner has argued that the impugned order has been passed without giving an opportunity of hearing to the petitioner. This argument is liable to be rejected as his appointment was bound by the terms and conditions of his appointment letter dated 15.9.2014 (Annexure P-1). During the period of probation, his services had been terminated on account of misconduct and this is as per condition no.2. Moreover, as per the terms and conditions of the appointment letter, even a notice was not required for termination of the services in the event of insubordination, indiscipline, dishonesty, negligence on duty or working against the interest of the University. Another ground for dismissing the writ petition is that impugned order was passed on 11.12.2017 and the petitioner has filed the present petition on 15.5.2019 after a delay of more than one year. Hence writ petition is dismissed.

May 23, 2019
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No