

RITIKA**...PETITIONER****VERSUS****STATE OF HARYANA AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sajjan Singh, Advocate for the petitioner.

Mr. Sandeep Kumar Sharma, Advocate for respondent No.2 and 3.

Mr. Salil Sabhlok, Advocate for respondent No.5.

**********HARSIMRAN SINGH SETHI,J. (ORAL)**

Vakalatnama has been filed on behalf of respondent No.5 in Court today and the same is taken on record.

In the present writ petition, the grievance of the petitioner is that keeping in view an SMS, which the petitioner received on his mobile, a copy of which has been appended as Annexure P-6, the services of the petitioner were terminated by the respondents. By relying upon the said SMS, the petitioner had filed the present writ petition in which, notice of motion was issued on 21.05.2019 and a direction was issued to the respondents to allow the petitioner to continue his duties and the following order was passed:-

The petitioner had been working on contract basis since 02.09.2010 and has continued till 12.05.2019 when she has been informed that her services are not required with immediate effect vide mobile SMS dated 12.05.2019 (Annexure P-6). The petitioner has worked for more than 8 years and without initiating any enquiry, her services have been terminated.

Notice of motion for 24.07.2019.

To be heard alongwith CWP No.18558 of 2016.

In the meantime, the petitioner will continue to work and the operation of the impugned message dated 12.05.2019 (Annexure P-6) is stayed.

Today, a short reply has been filed on behalf of respondent Nos.2 and 3, wherein it has been stated that the said SMS was sent by Dr. Ram Kirti Arora, the then Dean, Management and Commerce, Baba Mastnath University who was not the competent authority in any manner to take any decision and further, the said Dr. Ram Kirti Arora, has also left the University.

In the reply, it has been mentioned that there is no order of terminating the services of the petitioner by the Competent Authority and the petitioner is still continuing in service. The respondents have stated that in case, any action is to be taken, the same will be taken in accordance with law by following due procedure of law.

The relevant paragraph of the reply is as under:-

That the petitioner in the writ petition has claimed that her services have been terminated vide impugned mobile SMS dated 12.05.2019 allegedly issued by Dr. Ram Kirti Arora, the then Dean, Management and Commerce, Baba Mastnath University.

That at the outset it is submitting that neither the services of the petitioner have been terminated by Baba Mastnath University, Rohtak nor Dr. Ram Kirti Arora, the then Dean, Management and Commerce, Baba Mastnath University, was competent to send an SMS terminating the services of the petitioner. Even Dr. Ram Kirti Arora, Dean, has left Baba Mastnath University. Meaning thereby that there is no order of termination of the services of the petitioner by the Competent Authority of

Baba Mastnath University and the alleged order of termination i.e. SMS (Annexure P-6) is without any authority and competence and has no legal or administrative sanctity. If, at any stage Baba Mastnath University considers dispensing with the services of the petitioner, the same will be done in accordance with law after following the due procedure. Presently Baba Mastnath University has not terminated the services of the petitioner.

That without adverting to the merits and demerits of the case put forth by the petitioner as well as veracity of the averments made in the writ petition, it is humbly submitted that the writ petition filed by the petitioner is totally misconceived and without any cause of action. Services of the petitioner have not been dispensed with by Baba Mastnath University and presently she is working on the post of Assistant Professor in the faculty of Management and Commerce, Baba Mastnath University. Hence the writ petition filed by the petitioner is without any cause of action and accordingly liable to be dismissed.

Keeping in view, the averments made in the written statement filed on behalf of respondents, counsel for the petitioner states that the grievance of the petitioner stands redressed and as the respondents have stated that the services of the petitioner have not been terminated, and the same will not be terminated without following the due procedure of law, the petitioner does not wish to press this writ petition any further hence the same is disposed of having been not pressed in view of the facts recorded above.

24.07.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No