

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

**CWP NO. 22606 OF 2015 (O&M)
DATE OF DECISION : 27.05.2019**

Hindu Institute of Technology

...Petitioner

versus

Satish Saroha and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the petitioner.

Mr. Rajinder Singh Malik, Advocate,
for the respondents.

ARUN MONGA, J. (ORAL)

1. Challenge in the present petition is to the order/judgment dated 03.03.2014 (Annexure P-1) passed by the Educational Tribunal.
2. A perusal of the judgment reflects that respondent No.1, who had 16 years of unblemished service record, was summarily terminated from service merely on the basis of an office noting by the Head of Department that there was no work load justifying continuing the services of respondent No.1. The termination letter dated 18.01.2013 (Annexure P-5) is as cryptic and non-speaking as it can be. The vexatious plea taken therein is that services of respondent No.1 are being dispensed with in terms of Clause 4 of the appointment letter dated 12.06.2004 (Anexure P-2). Concededly, with effect from the date of appointment letter, respondent No.1 had put in more than 09 years of regular service.
3. Learned counsel for respondent No.1 points out that prior to issuance of appointment letter, whereby services of respondent

No.1 were regularized, he had already rendered six years of service. He was appointed in the year 1996, though not on regular basis, but he continued to serve without any break until the date of his termination, during which he was eventually regularized.

4. In any opinion, the learned Tribunal has rightly overruled the defence of the petitioner-institution that respondent No.1 was merely having practical work and therefore, being last in the seniority list, his services were dispensed with. Even otherwise, the defence adopted by the petitioner-institution is based merely on a noting dated 08.01.2013 (Annexure P-4) by the Head of Department, wherein it has been mentioned that after distribution of the work load in Electrical Engineering Department, respondent No.1 is rendered surplus employee, as there was NIL work load for him.

5. Learned Tribunal has rightly observed that no legal credence can be attached on the said office noting. Another aspect of the matter is that on the basis of work load document, issued by the Head of Department, Electrical Engineering, for the period January-February 2013, the work load qua respondent No.1 has been stated to be 24, as against 60 students.

6. I am also of the opinion that the services of respondent No.1 could not have been dispensed with on the ground that when the strength of students of semester has been decreased for the subsequent semester, then merely because in the particular semester the number fell down from 60 to 24, the same would be presumed to be the position in perpetuity, particularly when respondent No.1 has rendered regular service of 9 years preceded by 6 years of continuous service on contract basis. There appeared to be no justification on the

part of petitioner-institute to dispense with the services of respondent No.1 in such a summary manner on the ground of an office noting that there was NIL work load, owing to fall of the intake of students for a particular semester. Termination/ dispensing with the service of an employee should be done with extra caution, particularly when an employee has rendered 16 years of unblemished service as in the present case. The loss of livelihood for an employee is akin to economic death penalty as not only an employee suffers the loss of livelihood, but the entire family is put to penury and made to suffer consequences throughout. The Division Bench of Calcutta High Court in case titled as "*Union of India and others v. Sri Sankar Prosad Ghosh and Anr.*" 2008 (5) SLR 170 has held as under :

"13. It would be naive to say as on today, that livelihood is not a part of right to life. By this time, by a large number of decisions, it has been held by the Hon'ble Supreme Court as well as High Courts in this country that livelihood is an integral facet of right to life. In this connection, a decision of the Hon'ble Supreme Court rendered in the case of State of Himachal Pradesh v. Raja Mahendra, reported in AIR 1999 SC 1786. may be remembered.

14. Dismissal from services undoubtedly is taking away the livelihood of a person at an advanced stage because at that stage, it is impossible for a person to get any employment elsewhere as the order of dismissal will be treated as a disqualification. Loosing a job in an establishment amounts to a civil death, as the concerned person will not be in a position to earn livelihood at the advanced stage, when all his energies and endeavours have almost come to a diminishing stage".

7. In view of my above discussion and the reasoning contained therein, I do not find any ground to interfere with the impugned order/judgment dated 03.03.2014 (Annexure P-1). The writ petition is accordingly dismissed. No order as to costs.

(ARUN MONGA)
JUDGE

MAY 27, 2019
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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No