

Sr. No.111

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

CWP No.20014 of 2019 (O&M)

Date of Decision: 14.10.2019

Jarnail Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. M.S.Saini, Advocate,
for the petitioner.

ARUN MONGA, J.(ORAL)

Impugned herein, *inter alia*, is an order dated 06.03.2019 (Annexure P-15), whereby services of the petitioner have been dispensed with without holding an inquiry.

2. Facts in the case need not be adverted in details as what is apposite is the Resolution vide which the petitioner was appointed which governs the terms of his appointment as well as termination thereof. For ready reference, the relevant extract of the same is reproduced hereinbelow:-

“Block Coordinator, SPS, has instructed that the Dera Bajigar, Dutul School is not open and education volunteer be appointed to run the school and in pursuant of this, Jarnail Singh son of Tehal Singh, MA, B.Ed., resident of is appointed as the volunteer. This appointment is temporary. R.E.D. Committee can remove the volunteer at any time without show cause. Volunteer shall be paid by Sarv Shiksha Abhiyan.”

3. A perusal of the above clearly reflects that the appointment of the petitioner was temporary as a volunteer and the committee which resolved to appoint him and remove him at any time without giving any show cause notice. As against this the petitioner was issued a show cause notice dated 29.08.2018 (Annexure P-5) and a reply filed by him to the show cause notice was found unsatisfactory and resultantly his services were dispensed with vide order impugned herein.

4. Having gone through the impugned order, I find no infirmity in the same and no ground is, therefore, made out to interfere in extraordinary writ jurisdiction vested under Article 226 of the Constitution of India.

5. Even otherwise, I may hasten to add here that there was no requirement on the part of the respondents to issue show cause notice since the services of the petitioner were only purely on temporary basis and the committee was fully empowered to dispense with the same without issuing any show cause notice. Mere issuance of a show cause notice would not entitle the petitioner to seek departmental proceedings as has been argued by the learned counsel for the petitioner. The said argument is completely insipid and I do not find any substance in the same.

6. Writ petition is, accordingly, dismissed.

(ARUN MONGA)
JUDGE

14.10.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No