

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25515-2017

Date of decision: 06.02.2019

Jitender Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Varun Gupta, Advocate for respondents No. 3 and 4.

Ritu Bahri, J. (Oral).

The petitioner is seeking quashing of the judgment dated 09.10.2017 (Annexure P-1) whereby the Educational Tribunal Kurukshetra has partly allowed the appeal filed by the petitioner against the order dated 22.06.2017 whereby the petitioner was given one month notice for termination of his services.

A perusal of the judgment dated 09.10.2017 (Annexure P-1) shows that the appointment of the petitioner was under the self financing scheme which provides that recruitment of the staff was on contractual basis and was temporary in nature and employees had no right of regularizing their services. However as per para 4 of the appointment letter dated 13.10.2010, there was a provision that the petitioner will be given three months' notice before terminating his services and on account of this condition, the appeal of the petitioner was partly allowed and the respondent-Institute was directed to give three months salary in lieu of

notice and the termination order was violative of the appointment letter dated 13.10.2010 and keeping in view of the above, his appeal was accepted and impugned order dated 22.06.2017 was set aside. Vide order dated 16.10.2017 (Annexure P-2), the respondents gave him cheque No. 671737 dated 16.10.2017 for Rs.1,02,303/- in lieu of three months notice and his services were dispensed with immediate effect.

On notice of this petition, reply has been filed by respondents No. 3 and 4 and they have given following details of the number of the students who were admitted in the last 4 years:-

S.No	Year & Session	Strength	Remarks
1	1 st year 2017-18	-	No admission till date
2	2 nd year 2016-17	3	
3	3 rd Year 2015-10	20	
4	4 th year 2014-15	53	
	Total	76	

Since the number of candidates have gone very low and as per the norms, the petitioner could not be retained, his services have been rightly terminated vide letter dated 16.10.2017 (Annexure P-2).

In para 10 of the reply, it has further been clarified that out of three faculty members, Rajiv Kumar and Ankur Garg have already left the Institute and additional affidavit was filed on 13.08.2018 by the Chairman, Managing Committee of respondent No. 3, in which it has further been clarified that after relieving the petitioner, the advertisement was publishment for recruitment of staff in a hope to get more admissions and to appoint staff if need arise. However due to no admissions, the running of a qualitative educational institution became financially non-viable and

as such the institute is under the process of closure as per Kurukshetra University, Kurukshetra norms.

Keeping in view that the petitioner has now been relieved on 16.10.2017 (Annexure P-2) after giving him salary of three months, no further case is made out to reinstate him as the institute is in the process of being shut out and other faculty members have already left out.

Dismissed.

06.02.2019

Divyanshi

(RITU BAHRI)
JUDGE

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