

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

CWP No. 5058 of 2020

Date of Decision: February 25, 2020

Gurinder Pal Singh Sidhu

.... Petitioner(s)

Versus

Punjabi University and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Mr. Ranjit Singh Kalra, Advocate
for the respondents.

Mr. Gurpreet Singh Dhillon, Advocate
for the election candidates.

LISA GILL, J.(oral)

This writ petition has been filed seeking quashing of the list of eligible candidates for the purpose of elections to the Punjabi University Employees (B & C Category) Association (Registered), Patiala (hereinafter referred to as 'the Association'). The petitioner is aggrieved by the rejection of his candidature for the post of President.

It is submitted that the petitioner is a Member of the Punjabi University Employees Association (hereinafter referred to as 'the Employees Association'), wherein there is no distinction between category A, B or C of the officers. There is another Association i.e. Punjabi University Class 'A'

Officers Association (Non-Teaching) Regd. Patiala (hereinafter referred to as Class 'A' Association), whose membership, as the name suggests is restricted to category 'A' officials. The petitioner, who was earlier a Category 'B' employee was promoted to Category 'A' in the year 2011 and it is submitted that he did not take the membership of the Class 'A' Association and continued to be a member of the Employees Association. It is urged that the respondent authorities *de hors* the provisions of law seek to amend the provisions of the Employees Association to restrict its membership to category B & C employees only and the name of the Employees Association is also sought to be changed to Punjabi University Employees Association to Punjabi University Employees (B & C Category) Association. It is vehemently urged that the proposed provisions as mentioned in Annexure P-5 dated 29.07.2019 are *de hors* the applicable rules. It is submitted that there is no restriction for membership in the existing provisions of the Employees Association, while the authorities propose to bar membership of category A officials. The constitution of the Punjabi University Employees' Association, it is urged, cannot be changed in this manner. The amendment can be carried out only by the general body with a majority of 2/3rd members present and it would be effective only after approval by the syndicate. It is submitted that the entire action of the respondent-University is to target the petitioner and prevent him from contesting elections of 'the Association'. Civil Writ Petition No. 21323 of 2019 has earlier been filed by the petitioner challenging the voters' list published in August, 2019, in respect to the

elections to be held to 'the Association'. The said writ petition is pending. It is thus prayed that this writ petition be allowed.

Though notice of motion has not been issued in this present petition, Mr. Ranjit Singh Kalra, Advocate appears on behalf of the University. Mr. Gurpreet Singh Dhillon, Advocate, submits that he may be permitted to assist the Court as he represents some of the candidates, who are contesting the elections of the Association. Learned counsel for the University points out that the petitioner has concealed material facts in this writ petition. The proposed amendments were duly approved by the Vice Chancellor on 29.07.2019, subject to further approval by the syndicate. The Syndicate approved the same on 21.08.2019. It is only pursuant thereto that the election programme was announced. The election schedule was published on 07.02.2020 (Annexure P-7). Nomination of the petitioner for the post of President was rejected as his name did not even figure in the voters' list. It is further submitted that the petitioner had duly contested the elections of Class 'A' Officers Association in the year 2019. His name is reflected at Srl. No. 290 in the voters' list of the the Class 'A' Association. The petitioner was allotted the election symbol of a Baaj (falcon). It is, thus, prayed that this writ petition be dismissed.

I have heard learned counsel for the parties at length and have gone through the file as well as the photocopy of the voters' list of the year 2019 of the the Class 'A' Association and the symbol allotted to the petitioner.

At the outset, it is relevant to note that the petitioner has concealed material facts. In para 2 of the writ petition, it is specifically mentioned that petitioner is not a Member of the Class 'A' Officers Association. The entire foundation of this writ petition has been laid on perceived injustice to the petitioner on that ground that as he is not being permitted to contest the elections to the Employees Association only on the ground that he is a category A employee whereas in the constitution of the Employees Association, there is no such bar. The petitioner's rights are claimed to have been infringed upon, as he is not a member of the Class 'A' Officers Association but at the same time he is being barred from contesting the elections to the Employees Association as well. Moreover, the petitioner's claim, it has been argued could not be rejected merely on the basis of proposed amendments, which have not been carried out in accordance with law.

It is relevant to note at this stage that the amendment pursuant to which the Employees' Association B & C Category came into being, is not the subject matter of challenge either in this writ petition nor in any other writ petition filed by the petitioner. Moreover, when confronted, it is not denied that the petitioner being a Member of the Class 'A' Association is reflected as a voter therein and had contested the elections for the post of President in the year 2019. It is a settled position that a litigant who does not approach the Court with clean hands is not entitled to any indulgence. There is a clear concealment of material facts having a direct bearing on the

controversy in hand. In view of the conduct of the petitioner in not approaching this Court with clean hands, I do not find any ground whatsoever to interfere in this writ petition.

This writ petition is accordingly dismissed with cost of Rs.10,000/- to be deposited with the Punjab State Legal Services Committee.

February 25, 2020

Sunil

(Lisa Gill)
Judge

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