

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

120

CWP-16841-2020

Decided on : 12.10.2020

Sunil

... Petitioner

Versus

Kurukshetra University, Kurukshetra & another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Lajpat Sharma, Advocate, for the petitioner.
Mr.A.S.Virk, Advocate, for the respondents.
(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present petition, filed under Articles 226/227 of the Constitution of India, is for quashing the impugned order dated 01.10.2020 (Annexure P-8) whereby the petitioner's request for grant of extraordinary leave (without pay) for one year, has been declined. Resultantly, the petitioner has been asked to leave the services of the University and submit his resignation as per the terms and conditions of the appointment conveyed on 20.12.2019.

Counsel for the petitioner vehemently submitted that the petitioner has been appointed as Junior Engineer in the Railways in the pay-band of Rs.9300-34,800 + Rs.4200 Grade Pay and therefore, he seeks the benefit of extraordinary leave (without pay) for one year against the post of Clerk with respondent-University, on which he was appointed on 05.09.2019 (Annexure P-1).

Notice of motion.

Mr.Virk accepts notice on behalf of the respondent-University. He has placed on record the covering letter vide which the NOC was granted to the petitioner on 20.12.2019, for appearing for the post of Junior Engineer. The said NOC reads as under:

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“This has reference to your request dated 4.12.2019 and 11.12.2019 on the subject cited above.

The requisite No Objection Certificate is enclosed herewith. However, it is made clear that in case of your selection you will not be allowed any kind of leave and you will be required to submit your resignation as per terms and conditions of your appointment.”

Thus, the petitioner has categorically been informed that he was not to be allowed any kind of leave and he was to submit his resignation as per the terms and conditions of the appointment. The said covering letter has been conveniently withheld by the petitioner and therefore, it was a conditional NOC and the petitioner cannot now turn around and submit that he be granted the benefit of extraordinary leave till he settles down on the post of Junior Engineer in the Railways.

It could also not be pointed out from any regulation as such that whether extraordinary leave is permissible for the aforesaid purpose. The respondent-University requires the services of the employees who have been duly appointed and cannot wait for them to make up their mind and keep the post unfilled for a period of one year. In such circumstances, this Court is of the opinion that the rejection which has been done by the respondent-University does not warrant any interference by this Court under the extraordinary writ jurisdiction.

Resultantly, in view of the above discussion, the present writ petition is dismissed.

OCTOBER 12, 2020

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No