

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

CWP-1798 of 2021
Date of decision 27.01.2021

Lalit Bhardwaj ...Petitioner
Vs.

State of Haryana and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Bhavpreet Dutt, Advocate
for the petitioner.

Ritu Bahri, J. (Oral)

Petitioner is seeking issuance of direction to respondents to implement the termination order dated 22.02.1995 (P-3) against respondent No. 2 with immediate effect.

The case of the petitioner before this Court is that respondent No. 2 was appointed as Lecturer in the Haryana Secondary Education Department on 02.03.1989 after obtaining master's degree in commerce with score of 578 out of 1200 (48.166%). The appointment was challenged by Rakesh Kumar, Science Master before this Court vide CWP No. 2506-1994, as the qualification for appointment as a Lecturer was obtaining minimum of 50% marks in the Master's degree. In view of the above fact, the department issued show cause notice dated 27.10.1994 against respondent No. 2. Respondent No. 2 challenged the above show cause notice dated 27.10.1994 by filing CWP No. 16650-1994 and this Court granted interim stay vide order dated 22.11.1994. Thereafter, CWP No. 16650-1994 was dismissed for non-prosecution with a liberty to revise in case any dispute

still subsists, vide order dated 18.05.2012 (P-4). CWP No. 2506-1994 also stands dismissed on 09.05.2012 (P-2).

Now the grievance of the petitioner is that once CWP No. 16650-1994 filed by respondent No. 2 was dismissed for non-prosecution on 18.05.2012, thereafter, respondent No. 2 was wrongly allowed to continue in service.

Issue notice of motion.

On asking of the Court, Mr. Hitesh Pandit, Addl.A.G, Haryana and Mr. Kanwal Goyal, Advocate accepts notice on behalf of respondent-State and respondent No. 2 respectively.

Learned counsel for respondent No. 2 submits that the termination order issued to respondent No. 2 was already withdrawn on 29.05.1995.

This fact has not been denied by learned State counsel.

The present petition is liable to be dismissed, as firstly there is a delay of almost 26 years in approaching this Court and secondly, respondent No. 2 is now going to retire in July, 2021. Respondent No. 2 is working since 1989 and there is no complaint against her. She has put in almost 33 years of service. Even if respondent No. 2 was short of 22 marks which was less than the prescribed norms, but her experience has offset that ground. On the date of termination as well, respondent No. 2 had the experience of 06 years.

The writ petition is dismissed.

27.01.2021

G Arora

(RITU BAHRI)
JUDGE