

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

Criminal Misc. No.M-12445 of 2021 (O/M)

Date of Decision: June 16, 2021

Mrs. Vijay Lata

...Petitioner

Versus

Sh. Rajiv Arora

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Petitioner-in-person.
(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

Mrs. Vijay Lata–petitioner has filed this petition under Section 340 read with Section 195 (1) (b) of Criminal Procedure Code for taking cognizance for the offences for knowingly filing false affidavit (perjury) in CWP No.1986 of 1993, secreting the document, using as genuine a forged document and defamation against the respondent.

The petitioner was appointed as Lecturer in the Department of Psychology, Kurukshetra University vide appointment letter dated 25.1.1991. As stated in the said appointment letter the appointment was made on the recommendations of the Selection Committee and with the approval of the Executive Council. The appointment was on temporary basis against a leave vacancy and could be terminated at any time without any notice and assigning any reason from either side. The petitioner continued to work for about two years. Her services were terminated on 02.02.1993. She challenged the decision of the University by filing CWP No.1986 of 1993,

which was dismissed on 19.03.1993 by a Division Bench of this Court. (Annexure P-9) The petitioner filed a review which was dismissed vide order dated 2.4.1993 (P-13). The petitioner then filed SLP (Civil) No.9303-04/1993 which was also dismissed vide order dated 10.08.1993.(Annexure P-14)

The case of the petitioner is that the Executive Council of the Kurukshetra University had passed a Resolution No. 114 on 28.10.1992 recommending that Lecturers in the University Teaching Departments and Colleges of the University who had been appointed on temporary basis through properly constituted Selection Committee may be considered for confirmation for the post against which they had been appointed if they had completed one year satisfactory service after examining their performance report and completing other formalities. The name of the petitioner was Sr. No. 2 in the list of 9 lecturers named in the resolution. The services of eight lecturers were confirmed whereas the petitioner was terminated.

The petitioner challenged her termination by filing CWP No.1986 of 1993. The allegation of the petitioner against the respondent is that he had not disclosed the fact of resolution dated 28.10.1992 (Annexure P-3) in the affidavit/reply filed by him in CWP No.1986 of 1993. Referring to Annexures P-11 and P-12, it is also alleged that performance report of the petitioner was manipulated and was shown as 'poor', rather than the original, which was 'good'. This had been done solely with a view to deprive the petitioner of her valuable right and harming her reputation.

Having heard the petitioner in person, I feel that the petition deserves to be dismissed. No cause of action survives to entertain

the petition in view of the order passed in writ petition. The Division Bench has taken note of the Resolution of the Executive Council dated 28.10.1992 and opined that it was only in the nature of suggestion and the decision was to be taken by the University after considering the satisfactory record of the Lecturers. The relevant part of the order reads:

“This proposal was approved by the council. Copy of the resolution is Annexure P-3. In spite of that the University terminated the services of the petitioner on February 2, 1993 vide order Annexure P-4 as no longer required. It is this order which is under challenge in this writ petition, inter alia, on the ground that once her name was approved for confirmation, her services could not be terminated.

On notice of motion having been issued written statement has been filed by the University. It has been clarified that though such a resolution was passed by the Executive Council, it was merely a suggestion. Ultimately decision was taken by the University after considering satisfactory record of such of the Lecturers whose cases were for consideration for confirmation. Since petitioner's record was found to be poor, her services were terminated whereas was other persons whose record was found to be satisfactory or good, they were confirmed. On perusal of the resolution we find that no decision was taken that record of the persons under consideration was satisfactory or good. It was merely a proposal before the authorities for consideration of the record of such persons and the University was yet to examine the record of the individual persons. Since petitioner's performance was found to be poor, her services were terminated. She had no right to the post. This writ petition is dismissed. No order as to costs.”

Besides the present petition has been filed about 28 years after
the decision of the writ petition.
Dismissed.

June 16, 2021
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No