

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 1945 of 2020 (O&M)
Date of Decision:12.02.2021

Gopal Krishan

.....Petitioner

Versus

The Managing Committee and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Lalit Pardhan, Advocate
for the petitioner.

Mr. Kshitij Sharma, Advocate
for respondents no.1 and 2.

Ms. Upasana Dhawan, AAG., Haryana
for respondent no.3.

Mr. Ravi Sharma, Sr. Standing Counsel
for respondent no.4.

Mr. Avinash Kumar, Advocate
for respondent no.5.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

CM-1163-CII of 2021.

Annexures P-22 to P-25, are taken on record subject to just exceptions.

Application is accordingly disposed of.

CR No. 1945 of 2020.

Prayer in this revision petition is for setting aside order dated

15.06.2020, Annexure P-21, passed by the learned Additional District Judge, Bhiwani, exercising the powers of Educational Tribunal, Bhiwani. Petitioner's application under Order 39 Rule 1` and 2 CPC seeking interim relief during pendency of his appeal under Order 10 of Haryana Affiliated College (Security of Services) Act, has been dismissed.

Present petitioner was working as a Lecturer (Electronics) on adhoc basis with respondent no.2-The Technological Institute of Textile and Sciences, Bhiwani. His services were terminated vide order dated 29.05.2020, Annexure P-12. He was given three months salary in lieu of the notice period as per terms and conditions of his appointment as well as Service and Conduct Rules, Annexure P-15 applicable to the Technological Institute of Textile and Sciences, Bhiwani. Petitioner preferred an appeal under Section 10 of the Haryana Affiliated College (Security of Service) Act, along with an application seeking interim relief under Order 39 Rule 1 and 2 CPC. Said application was however dismissed by the learned Tribunal vide impugned order dated 15.06.2020, Annexure P-21. Appeal is pending adjudication.

Learned counsel for the petitioner *inter alia* contends that instructions dated 15.04.2020, were issued by the All India Council for Technical Education (AICTE), Annexure P-16, to the extent that termination, if any, made during the lockdown should be withdrawn. It is submitted that specific information has been supplied under the Right to Information (RTI) Act, 2005, confirming that said communication dated 15.04.2020, has not been withdrawn. Documents, Annexures P-23 to P-25, it is urged, have not been taken into consideration by the learned tribunal while passing order dated 15.06.2020.

I have heard learned counsel for the parties and have gone

through the file with their assistance.

It is not denied that documents Annexures P-23 to P-25, though attached with the present revision petition, were never placed before the learned tribunal.

Learned counsel for the petitioner and respondents no.1 and 2 are *ad idem* that the matter can be remanded to the learned Educational Tribunal, Bhiwani to be decided afresh after taking into consideration documents Annexures P-23 to P-25.

Learned counsel for the respondents no.3 and 4, also do not raise any objection thereto, though all learned counsel for the respondents submit that they do concede or accept validity of the documents in question without proper verification and they should be afforded opportunity to take all pleas available to them before the learned Tribunal.

In view of the specific stand of the parties, present revision petition is allowed and impugned order dated 15.06.2020, Annexure P-21, passed by the learned Additional District Judge, Bhiwani, exercising the Powers of Educational Tribunal, Bhiwani, is set aside and matter is remanded to the learned Educational Tribunal, Bhiwani, with petitioner's application under Order 39 Rule 1 and 2 CPC, to be decided afresh, after taking into consideration documents Annexures P-23 to P-25 as well. It is clarified that there is no expression of opinion on the merits of the case and it is open to both the parties to agitate their respective stand before the learned Educational Tribunal, Bhiwani, which shall decide the matter in accordance with law in a time bound manner expeditiously and preferably within six weeks after receipt of certified copy of this order. Validity and genuineness of documents Annexures P-23 to P-25 too, if need be, shall be adjudicated upon by the learned tribunal.

Parties to appear before the learned Educational Tribunal,
Bhiwani, on 15.02.2021 i.e., the date already fixed in the appeal.

12.02.2021

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned

:

Yes/No.

Whether reportable

:

Yes/No.