

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

**LPA No.1152 of 2021
Date of Decision 02.12.2021**

Manusmriti Dabas

.....Appellant

Versus

Union of India and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Gurmohan Singh Bedi, Advocate for the appellant.
Mr. Satyapal Jain, Addl. Solicitor General of India with
Mr. Arun Gosain, Senior Panel Counsel for UOI.

This is an *intra Court* appeal, under Clause X of the Letters Patent, against an order and judgment dated 28.10.2021, vide which the writ petition preferred by the appellant against an order of termination of her services dated 27.08.2021, has since been dismissed.

The facts that are required to be noticed are limited.

Initially, the appellant was appointed as Office Assistant on 21.05.2011, on contractual basis, by the Indian Institute of Management, Rohtak (for short 'the institute'). Whereafter her tenure was extended from time to time. And eventually her services were regularized. She purports to have been confirmed, post expiry of the period of probation, on 22.09.2016. However, vide order dated 27.08.2021 (Annexure P-13), her services were terminated on account of misconduct, negligence and insubordination. And, as indicated above, for, vide impugned order and

judgment, the order of termination of her services has been affirmed by the learned Single Judge, thus this appeal.

Learned counsel for the appellant merely reiterates the submissions that were advanced before the learned Single Judge: the respondents-institute is a statutory body, formed under the Indian Institutes of Management Act, 2017, but the institute has failed to draft any service rules/regulations governing the service conditions of its employees. Therefore, he submits that in the absence of any statutory rules/regulations, services of the appellant could never have been terminated. Further, the appellant was not afforded due and required opportunity to defend herself and prove that alleged misconduct, which she was being accused of, was not made out. In any case, he asserts that in terms of the letter of appointment, the appellant was required to be served with three months' notice, before terminating her services, but as no such notice was issued by the institute, the order of termination was liable to be set aside.

We have heard learned counsel for the appellant and perused the records.

In context of the limited issue that arises for consideration and before proceeding further, we find it expedient to, refer to the order of termination of services of the appellant:-

“Dear Ms. Dabas,

You are already aware that you have received multiple written and verbal warnings related to your conduct with your immediate superiors as well as related to your negligence at work. Recently

again, you received a detailed memo on your interaction with executive committee where you had again demonstrated lack of commitment, insubordination, and unwillingness to do simple work such as phone-calling the potential participants of academic programs and answering phone/email queries of applicants/potential applicants of the program. On May 20th 2021, you have again used inappropriate language with the Chairperson of the program. Hence, you were cautioned again to kindly cooperate with the Program Chairpersons and program executive. You had assured in your response to the 21st May, 2021 memo that you were more than willing to continue your commitment and dedication towards the assigned work. However, you were recently accused of barging into the office of the Chairperson of the program regarding an assigned work. After entering his office, you shouted at him using abusive and threatening language. A committee was asked to inquire into this matter. You were given the liberty by the competent authority to choose any three members from IIM Rohtak faculty/staff to conduct an inquiry into this matter. The committee was formed of members that you had chosen. The committee conducted detailed inquiry and you participated in this process. The committee has made a recommendation that your service at IIM Rohtak be terminated. In line with recommendations of the committee, your services at IIM Rohtak are terminated with immediate effect. You may appeal the decision of termination with the official holding the charge of Chief Administrative Officer of the institute. You have five days to file an appeal with the

office of the Chief Administrative Officer.

**(Parikshit Ranjan Java)
Senior Administrative Officer”**

Concededly, no statutory rules/regulations governing the service conditions of its employees were framed by the institute or are in force. It is not the case of the appellant either that her services were brought to an end in violation of any rules/regulations or even instructions. But even if that was so, before terminating her services, she was required to be afforded due and adequate opportunity to defend herself and the institute was obligated to comply with the principles of natural justice.

What is the position in the matter at hands?

As can be discerned from the order, terminating the services of the appellant itself, the institute had constituted a committee to inquire into the alleged misconduct of the appellant. Not just that the competent authority had even given her the option to choose any three members from IIM, Rohtak, faculty/staff to conduct an inquiry into the allegations made against her. Concededly, the committee that was constituted to examine the charges against her was formed of the members chosen by the appellant herself. It is not disputed either that appellant participated in the inquiry proceedings conducted by the said committee. For, she was found guilty of the alleged misconduct and the committee recommended her termination, vide order dated 27.08.2021, services of the appellant were terminated by the institute. In fact, she was even afforded an opportunity, to prefer an appeal, against an order,

terminating her services, before the Chief Administrative Officer of the institute. But she opted not to file any such appeal. And as concluded by the learned Single Judge since requirement of granting an opportunity of hearing was duly complied with by the institute, this Court was not to sit in appeal against the decision of the institute.

Upon being pointedly asked, learned counsel for the appellant could not refer to anything on record or show, if, in the given situation, termination of the services of the appellant could be said to be illegal or invalid. No precedent or judgment was cited either to show that in the absence of any statutory rules/regulations governing the service conditions of the appellant, her services could never have been terminated. Further, the records show that pursuant to the complaint of Dr. Abhishek Verma (respondent N.6), faculty member at IIM Rohtak, even an FIR No.323, dated 17.06.2021, under Section 506 of IPC was registered against the appellant, at Police Station, Shivaji Colony. Upon being questioned, learned counsel for the appellant fairly submits that even a final report under Section 173(2) of Cr. P.C. has since been submitted against the appellant in those proceedings.

Even the argument that in terms of the letter of appointment, in the event of her services being terminated, she was required to be served with three month's notice would not advance her case any further. As observed by the learned single Judge, for, services of the appellant were terminated on account of misconduct and insubordination there was no occasion to comply with any such condition. For, the said clause would have been operative had services

of the appellant been brought to an end in ordinary course by an innocuous order.

In the wake of the position, as sketched out above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.12.2021
Manoj Bhutani

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