

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

Civil Writ Petition No. 1176 of 2021(O&M)

Date of Decision: January 28 , 2022.

Randhir Singh

..... PETITIONER(s)

Versus

Government of Haryana and others

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Swaroop Singh Pathania, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Mr. Jagbir Malik , Advocate
for respondents No.3 and 4.

LISA GILL, J.

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

This writ petition has been filed by the petitioner for quashing of order dated 27.09.2019 (Annexure P26) wherein it is observed that the petitioner had himself resigned from the post of Head Clerk on 04.06.2018 and he has admitted his unethical conduct. Petitioner's resignation from the post of Head Clerk was accepted by the college management. Acceptance of his resignation was duly conveyed to the petitioner on 05.06.2018. The petitioner was reverted to the post of Clerk. It was held by the Director, Higher Education Haryana, Panchkula that the concerned management had to take prior permission before reversion, therefore, the punishment of reduction in rank was approved from the

date of hearing afforded to the parties and the management was directed to pay all the dues to the petitioner upto the date of hearing. Representation of the petitioner in this regard was rejected and petitioner was directed to join his duties as Clerk at I.B.(PG) College, Panipat within a week. The petitioner has also addressed the following prayers in this writ petition:-

- That petitioner be ordered to be reinstated as Head Clerk with all consequential service benefits and full back wages/salary
- That arrears so-accrued may please be ordered to be paid with interest @ 12% per annum with monthly rests.
- That during the pendency of this petition, respondents may please be restrained to promote/appoint anyone to the post of Head Clerk.
- That the Members of Governing Body of College Management should be debarred from visiting the college during working hours as per DGHE instructions (P-1).
- That accountability amongst the respondents responsible for causing financial loss, harassment mental, physical and financial to the petitioner be ordered to be fixed and the responsible respondent(s) be burdened with exemplary costs.
- That Hon'ble Court may also pass any other order for the grant of relief to the petitioner which it may deem fit and proper in the peculiar facts and circumstances of the case.

It is submitted that the petitioner was placed under suspension in an illegal and arbitrary manner by the respondent-management. The petitioner, it is stated, was subjected to humiliation and under threat of termination of services of the petitioner, a letter of resignation was extracted from him on 04.06.2018. Representation in this regard was submitted to the authorities and impugned order 27.09.2019 was thus passed.

Though notice of motion had not been issued in this matter, Mr. Jagbir Malik, Advocate had appeared on behalf of respondents No.3 and 4.

Coordinate Bench on 19.01.2021 had adjourned the matter to enable learned

counsel for respondents No.3 and 4 to seek complete instructions as to whether the college management is treating the case of the petitioner as a simpliciter case of resignation from the post of Head Clerk, pursuant to which he had been permitted to continue on the post of Clerk or otherwise.

Pursuant thereto, an affidavit dated 23.01.2021 of Mr. Param Vir Dhingra son of Sh. Rishi Lal Dhingra, Vice President, I.B. (L.) Bh. Educational Society, GT Road, Panipat was filed wherein it is stated that the college management is treating the case of the petitioner as a simpliciter case of resignation from the post of Head Clerk and after accepting his resignation, as desired, the petitioner was permitted to join on the post of Clerk on 04.10.2019 but complying with directions issued by the Director, Higher Education, Haryana, the petitioner was paid the salary of the post of Head Clerk upto 29.07.2019.

Be that as it may, learned counsel for the petitioner is unable to deny that the petitioner has an alternate efficacious remedy for adjudication of this dispute before the Education Tribunal.

Keeping in view the facts and circumstances as above, but without commenting or expressing any opinion on the merits of the controversy, the petitioner is relegated to his remedy before the Education Tribunal. The petitioner is at liberty to approach the Education Tribunal for redressal of his grievance and raise all the pleas available to him.

Writ petition is disposed of accordingly.

(LISA GILL)
JUDGE

January 28 , 2022.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No