

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

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CWP No.10942 of 2022

DATE OF DECISION : 20th MAY, 2022

Rekha Rani

.... **Petitioner**

Versus

**Panjab University, Sector-14, Chandigarh through its Vice
Chancellor & others**

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Brijesh Khosla, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this petition under Article 226 of the Constitution of India, praying for issuance of a writ in the nature of mandamus summoning the records of the case and for reinstating the petitioner in service with back wages and a writ in the nature of certiorari for quashing the termination order dated 20.10.2020 (Annexure P-21); being ex-facie stigmatic in nature and for quashing committee report dated 17.07.2020/approved on 20.08.2020; being stigmatic in nature and for not following the principles of natural justice, along with certain other prayers.

The basic argument of counsel for the petitioner is that the impugned order passed by respondents-University is stigmatic and the same has been passed without holding appropriate departmental inquiry. The petitioner has not been given appropriate opportunity of hearing so as to explain the complaints against her. Hence, the order deserves to be set aside. It is further submitted that the petitioner had also made

complaints against Registrar and the Deputy Registrar of the University, however the same have not even dealt with while passing the impugned order. The counsel for the petitioner further submits that the very fact that the impugned order contains a line that the inquiry report is attached with the impugned order as Annexure A, makes the order as stigmatic.

Having heard the counsel for the petitioner and having perused the paper book, this court does not find any force in the arguments of the counsel for the petitioner. It is not even in dispute that the petitioner was working as daily-wage Clerk with the respondent-University. As per the record there have been several complaints against the slackness shown by the petitioner in her working. The complaints were made by various persons, including the Chairman of the Department, the people from establishment, as well as, from the students and co-employees of the petitioner. Being a daily-wage employee the respondent-University was not even under obligation to grant any opportunity of hearing before terminating the service of the petitioner, however, to comply with the basic norms of fair hearing, the respondent-University has even provided hearing to the petitioner. But the petitioner failed to give any satisfactory explanation qua complaints received from various quarters against her. Therefore, the order of termination, simplicitor, has been passed by the respondent-University by observing that work and conduct of the petitioner was not found to be satisfactory. This court does not find any illegality in the course of action adopted by the respondent-University. Needless to say that the petitioner has not pointed out any rule applicable to the University, which requires the respondent-University to conduct regular inquiry before dispensing with the service of even a daily-wage employee.

Although the counsel for the petitioner has submitted that the order is stigmatic in nature, however, even this argument of counsel

for the petitioner is without any substance. Perusal of the order shows that it only observes that the work and conduct of the petitioner has not been found satisfactory. However, since the authorities could not have acted arbitrarily; and they were supposed to have some record to support their action, therefore, to show that they have the record against the petitioner, the material available with them was also supplied to the petitioner along with the order passed against her. This action of the respondents is only in compliance of the rule against arbitrariness that whenever some order of discharge/dispensing the service of the employee is passed, there has to be material available to justify that order. The material may not find mentioned in the order, however, that should be in existence, at least in the record of the respondents; so that the court or the adjudicatory body can raise the veil and see the fairness in the process of decision making. The very fact that the material has been supplied to the petitioner along with the order shows the fairness on the part of the respondent-University and the existence of material against her. This separately supplied material would not convert the order against the petitioner to be stigmatic in nature.

The counsel for the petitioner has raised one more argument that the petitioner had also made complaints against the Registrar and Deputy Registrar of the respondent-University for mental harassment, but the said aspect has not been dealt with in the inquiry or in the impugned order. However, even this argument of the counsel for the petitioner is to be noted only to be rejected. The proceedings in the instant case were not for proceeding against the Registrar or the Deputy Registrar. The proceedings were for taking a decision qua the complaints against the petitioner. Therefore, in this process the respondent-University was not

obliged to deal with or make observations qua the complaints made by the petitioner against the functionaries of the University, as such. Needless to say, that if there is any substance in the complaints against the Registrar and Deputy Registrar of the University, any order passed against the petitioner would not create an estoppel against the authorities of the respondents-University to proceed against the said Registrar and Deputy Registrar. The aspect of non-proceeding against the Registrar and Deputy Registrar is totally irrelevant for the purpose of passing the order against the petitioner.

In views of the above, finding no merit in the present petition the same is dismissed.

20th MAY, 2022
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>