

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

208

CWP-9414-2016

Date of decision : 02.05.2022

Shri Krishan Polytechnic College, Kurukshetra and others

... Petitioners

Versus

Manoram Vats and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Harkesh Manuja, Advocate for the petitioners.

Mr. Aditya Bhushan, Advocate for respondent No.1.

Mr. Sharad Aggarwal, AAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner/Institute has challenged the order passed by the Educational Tribunal (for short, 'the Tribunal') whereby respondent No.1 has been granted compensation at the rate of one month's pay for each completed year of service.

Learned counsel for the petitioners submits that respondent No.1 was employed on contractual basis as a Lecturer in Electrical Engineering and while he was on duty, he had misbehaved on several occasions including entering into a physical fight with another Lecturer. He had been served with a show cause notice and after taking into consideration his reply, an enquiry was conducted by the Director. During the enquiry, the parties had arrived at a compromise. However, the work and conduct of respondent No.1 was not good, he had been relieved from service on payment of one month's salary as stipulated in the terms and conditions of his appointment letter and therefore,

the compensation, which had been awarded beyond one month's salary is unsustainable.

Learned counsel for respondent No.1, on the other hand, submits that the termination of respondent No.1 had been found to be bad in law by the Tribunal and therefore, the Tribunal was justified in ordering compensation at the rate of one month's salary for each completed year of service.

Heard.

The respondent No.1 had been initially employed as a Lecturer in Electrical Department of the petitioner/Institute on 10.08.2007. As per the terms and conditions of his appointment letter dated 04.04.2008 (Annexure P-2), his services could be terminated on issuing one month's notice.

It is stated that the conduct of respondent No.1 was not satisfactory and there were several instances of his misbehaviour with the fellow lecturers and staff and therefore, his services were terminated. The order of termination has been found to be bad in law as in terms of condition No.3 of the appointment letter, he was governed by the conduct and disciplinary rules of the institute as amended from time to time. The petitioner/Institute has not formulated any rules and therefore, the Tribunal had arrived at a conclusion that the principles of natural justice were not followed. The incident with regard to the petitioner entering into a physical fight with another Lecturer had been enquired into but the same had been resolved as the parties had compromised the matter. Before termination of the petitioner's service, neither any notice was issued to him nor any opportunity of hearing had been afforded to him. The order of termination had been passed by giving him one month's salary in lieu of a notice.

I am in agreement with the reasoning of the Tribunal that the services of respondent No.1 had been terminated without affording him an opportunity of hearing. He has been directed to be paid compensation at the rate of one month's salary for each completed year of service. Respondent No.1 had completed four years of service and therefore, the compensation can not be said to be unreasonable, which would warrant interference in the light of the aforementioned facts and circumstances.

Consequently, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

May 02, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No