

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22725 of 2021 (O&M)

Date of Decision:14.02.2022

Deepak Kapoor

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Nonish Kumar, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl.AG., Haryana.

LISA GILL, J(Oral).

This writ petition has been filed for setting aside order dated 29.04.2021, Annexure P-12, passed by respondent no.2, whereby petitioner's services have been terminated.

Petitioner, it is stated was appointed to the post of Account Clerk on contractual basis in the year 2005. Thereafter, he was appointed to the post of Deputy Superintendent in the office of District Project Coordinator, Faridabad in 2010 on contractual basis. He was given extension of service from time to time. A complaint against the petitioner was moved by one Heth Ram regarding genuineness of the decree of B.Com., held by the petitioner. It is stated that petitioner's degree was found to be genuine and the complaint moved by Heth Ram was filed on 20.07.2020. However, another complaint was filed with regard to the said qualification/degree of the petitioner and two persons were sent to the office of Dr. Bhim Rao Ambedkar University, Agra from where the petitioner had secured his degree and a false report is stated to have been procured from the said

University against the petitioner in respect to the degree held by him. Learned counsel further submits that show cause notice dated 10.03.2021, was received by the petitioner, but no documents along with the said notice were sent to the petitioner. Petitioner demanded the documents on the basis of which show cause notice was issued, but he never received the same. Reminders dated 01.04.2021 and 08.04.2021, were received by the petitioner. As necessary documents were not available with the petitioner, he could not file any reply and to his utter surprise, impugned order dated 29.04.2021, Annexure P-12, was passed, terminating his services from the post of Deputy Superintendent District Project Coordinator, RAMSA, Faridabad. This action is stated to be illegal, arbitrary, unreasonable and unjustified. It is thus prayed that this writ petition be allowed.

Heard learned counsel for the petitioner and have gone through the file with his assistance.

It is a matter of record that the petitioner was appointed to the post of Account Clerk on contractual basis. Admittedly, the petitioner on the post of Deputy Superintendent was also working on contractual basis with his contract being renewed from time to time. Perusal of the impugned order reveals that contract period of the petitioner came to an end on 31.03.2021. It is further specifically observed in the impugned order that on petitioner's request pursuant to show cause notice dated 10.03.2021, relevant documents were provided to him and again time was afforded to the petitioner for submitting his reply, but none was forthcoming from the petitioner and despite sufficient time and opportunity, petitioner never submitted his reply. It is further observed that verification from the University makes it clear that the said University has not issued the degree certificate to the petitioner, which proves that fake documents were submitted by the petitioner to seek

employment and in view of Clause 10 of the petitioner's appointment letter, contractual services of the petitioner are terminated.

Learned counsel for the petitioner has sought to argue that a scam had surfaced in Dr. Bhim Rao Ambedkar University, in 2019 and it was difficult for anyone to get the record verified. The petitioner, it is stated had secured the degree in question from Dr. Bhim Rao Ambedkar University and thereafter had even taken admission in the LLB degree course in the same University and the petitioner has been victimized in this case despite having a genuine B.Com., degree.

Be that as it may, learned counsel for the petitioner is unable to deny that the present writ petition involves disputed questions of fact, which cannot be adjudicated upon in the present proceedings under Article 226/227 of the Constitution of India. Therefore, I do not find any ground whatsoever to interfere in this writ petition, at this stage. Needless to say, the petitioner is at liberty to avail the remedy/remedies as are available to him for redressal of his grievance.

Writ petition is accordingly disposed of.

It is clarified that there is no expression of opinion on the merits of the matter.

14.02.2022
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.