

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(111)

CWP No.26742 of 2022
Date of Decision : 22.11.2022

Rajesh Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rakesh Sobti, Advocate
for the petitioner..

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner is working for the last 12 years with the respondents on contract basis and though his last contract came to an end on 31.03.2022 but he was allowed to continue thereafter but now in the month of November, 2022, an order has been passed by the respondents that the contract of the petitioner has not been renewed after 31.03.2022 keeping in view which fact petitioner is relieved from the service.

Learned counsel submits that once the petitioner has already been continued in service for eight months after expiry of contract hence, without there being valid justification especially when the workload exists, the petitioner's services could not have been terminated and that too without giving valid reason.

Notice of motion.

Mr. D.S. Nalwa, Additional Advocate General, Haryana, who is present in the Court accepts notice.

Learned counsel for the respondents submits that in the present case, the contract of the petitioner had come to an end on 31.03.2022 but while the petitioner was working, the question arose with regard to the eligibility of the petitioner keeping in view the graduation degree which the petitioner got from Osmania University. Learned counsel for the respondents submits that the petitioner has two years graduation degree which he got in the year 1997 and according to UGC guidelines any graduation degree of two years obtained after 1986 is not valid for purpose of appointment, hence keeping in view the said fact as the petitioner was not found eligible and his services have not been extended and the petitioner has been relieved.

On being asked whether before declaring the petitioner ineligible, the department had given any opportunity of hearing to the petitioner or not, learned counsel for respondents-department very fairly submits that no opportunity of hearing was given to the petitioner but respondent-Department, if given a chance, department is ready to rectify the said mistake and will pass appropriate order after following appropriate procedure and the petitioner will be given show cause notice in order to explain, why keeping in view the facts and circumstances of the case and the status of his graduation degree, the petitioner be not allowed extension in service and be relieved and after considering the explanation, if any, received from the petitioner, appropriate decision will be taken by the authorities concerned whether the petitioner is entitled for extension of service.

Keeping in view the above facts, as the the respondents themselves have undertaken to reconsider the claim of the petitioner i.e. whether the petitioner is entitled to continue in service after giving him show cause notice, till said decision is taken by the respondents, the petitioner shall be allowed to continue in service as he is discharging the duties for last 12 years.

The present petition is disposed of in the above terms.

November 22, 2022
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*