

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

**COCp-441-2020 (O&M)
Date of decision: 03.03.2023**

Pinki Sharma

...Petitioner

Versus

Vandana Mohia and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Manpreet, Advocate for
Mr. Saurabh Bajaj, Advocate
for the petitioner.

Mr. P. K. Mutneja, Sr. Advocate with
Mr. V. S. Mahal, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the order dated 20.12.2019, passed by this Court in CWP-37413-2019, which reads as under:

“Though the petitioner is provided an efficacious alternative remedy by way of an appeal to the jurisdictional Educational Tribunal, the case of the petitioner is that her services were terminated without notice and enquiry in violation of the Haryana Affiliated Colleges (Security of Service) Act, 1979. As the petitioner alleges violation of the principles of natural justice and also the applicable statute, this writ petition is entertained.

Notice of motion, returnable on 1.4.2020.

Perusal of the impugned removal order dated 30.10.2019 (Annexure P-4) reflects that it is stigmatic in nature and there is no indication of any notice or hearing

having been afforded to the petitioner before passing thereof. There shall accordingly be interim stay of the operation of the impugned order dated 30.10.2019 (Annexure P-4) till the next date of hearing.”

Learned senior counsel, appearing for the respondents, submits that in fact the petitioner has filed the aforesaid writ petition challenging an incorrect order as the petitioner stands retired on 30.10.2019, vide communication dated 30.10.2019 attached as Annexure R-1 with the reply.

It is further submitted that even a CM-1402-CWP-2020 has been filed in the aforesaid writ petition highlighting the fact that the petitioner has in fact challenged an incorrect order and in the said application, notice has been issued to petitioner, who is non-applicant therein and the said application is still pending.

On the face of it, it is a case where the petitioner, on attaining the age of superannuation i.e. 58 years, has retired.

In view of the same, no case of any willful disobedience is made out.

The petition is disposed of.

Rule stands discharged.

03.03.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No