

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 208

Civil Writ Petition No.15789 of 2016

Date of Decision: September 20, 2023

Anju Yadav

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. S.K. Yadav, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

. . .

Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *mandamus* directing the respondents to allow the petitioner to continue working against the respective post of Clerk unless the post/vacancy is needed for appointing regularly selected candidate.

2. The petitioner was working as Clerk on contract basis with effect from 05.08.2015 in the respondent Department, having been appointed in terms of the policy, dated 07.05.2015, Annexure P-2A. An inquiry was conducted by the officiating Principal of the College to look into the allegations of irregularities in the petitioner's appointment. As per report of the inquiry committee, dated 28.03.2016, it was concluded that certain irregularities were committed in the appointments as the concerned persons appointed their relatives ignoring the deserving candidates. Based on the inquiry report, a show cause notice was issued to the petitioner, dated

15.06.2016, Annexure R-2. The petitioner submitted his reply to the same, however, no action was taken pursuant thereto.

3. It came to the petitioner's notice during pendency of the petition that the said inquiry report, dated 28.03.2016, was not accepted, and the Director ordered a fresh inquiry to be conducted in the matter. As per report, dated 13.01.2017, submitted by the Deputy Director after fresh inquiry, no substance was found in the allegations of irregularities in the petitioner's appointment.

4. In view of the aforesaid facts, learned State counsel submits that the Department is not proceeding against the petitioner on the basis of show cause notice, dated 15.06.2016, and, as of now there is no apprehension of his being removed from service. However, the respondents should be permitted to take further action regarding continuing the petitioner in service as per the existing policy.

5. Accordingly, this petition is disposed of granting liberty to the petitioner to file appropriate representation before the Principal seeking continuation in service which will be decided in accordance with the extant policies, within a period of six weeks from the date of receiving the representation.

(Tribhuvan Dahiya)
Judge

September 20, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No