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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27041-2017
Date of decision: 21.02.2023

YOGESH KUMAR SHARMA

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H. N. Sahu, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Akshaydeep Singh, Advocate for respondent No.2.

Mr. Mohak Bhadana, Advocate for respondents No.5 and 6.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking to challenge the relieving SMS order dated 25.11.2017 (Annexure P-7), whereby the services of the petitioner herein are sought to be terminated.

The petitioner approached this Court *inter alia* contendig that his services were regularized on 30.03.2001 (Annexure P-6) and, therefore, the action of the respondents in terminating his services by sending a SMS is against all settled rules and regulations.

Vide order dated 28.11.2017, the petitioner was permitted to continue to work in the respondent-Educational Institution.

Learned counsel for respondents No.5 and 6 would submit that the very writ petition is not maintainable in view of the fact that the Educational Tribunal has been set up and the present matter should be transferred to the said Tribunal at Faridabad. It is submitted that the petitioner was permitted to continue in service by virtue of an interim order passed by this Court on 28.11.2017, however, the department where the petitioner was working, run under the Self Financing Scheme of respondent No.2-University, stood abolished and, therefore, prays for vacation of the ex parte interim order dated 28.11.2017.

I have heard learned counsel for the parties and in view of the fact that the Educational Tribunal has been set up, the present matter is ordered to be transferred to the Educational Tribunal at Faridabad.

Let the entire record of the writ petition be sent to the said Tribunal for further proceedings in accordance with law. The respondents are at liberty to approach the said Tribunal for vacation of the ex parte interim order as passed by this Court on 28.11.2017 and till then, the said order to remain in operation.

Parties are directed to put in an appearance before the Educational Tribunal, Faridabad on 22.03.2023.

The writ petition is disposed of in the abovesaid terms.

(JAISHREE THAKUR)
JUDGE

21.02.2023
Chetan Thakur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No