

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21265-2023 (O&M)
Date of decision: 04.10.2023

Kuldeep Singh Petitioner

V/s

Punjabi University Patiala
through its Registrar and others Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Naresh Chander, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

CM-16730-CWP-2023

This is an application under Section 151 CPC for placing on record
the representation dated 25.02.2022 as Annexure P-8.

For the reasons mentioned in the application, same is allowed and
Annexure P-8 is taken on record, subject to all just exceptions.

Main case

1. Present writ petition has been filed under Article 226/227 of the
Constitution of India for issuance of a writ in the nature of certiorari for quashing
of the speaking order dated 21.02.2022 (Annexure P-6) passed by the respondent
No.3 i.e., Registrar Punjabi University, Patiala during contempt proceedings and
to allow the petitioner to join the duty as a carpenter and to release the amount of
salary from the date when the petitioner was stopped working on the post of
carpenter till date and to grant the promotion to pay all the dues and other
emoluments along with interest 12% per annum and for stay of impugned order
dated 21.02.2022 (Annexure P-6).

2. The facts emanated from the present petition are that the petitioner submits that the petitioner was appointed as a carpenter with the respondents and joined his duty with the respondent No.4 i.e. XEN Carpenter Branch, Punjabi University, Patiala in the year 2009 and an appointment letter was also issued to the petitioner in this respect by respondent No.2. After the appointment of the petitioner, the respondents paid the salary of Rs.12,000/- per month to the petitioner and an identity card was also issued to the petitioner by the office of respondent No.2 and the salary of the petitioner was transferred in his bank account by the respondents. The petitioner worked on the post of carpenter for about three months but thereafter, he was not allowed to join the duties and it was told to him that he will be called as and when orders will be issued by the higher authority. The petitioner served a legal notice dated 27.08.2021 to the respondents and since no action was taken by respondents, petitioner had filed a writ petition bearing No.CWP-21235-2021 before this Court with the prayer that the respondents be directed to allow the petitioner to join the duty as a Carpenter and to release the amount of salary from the date when petitioner was stopped working on the post of Carpenter till date and further to grant the promotion and to pay all the dues and other emoluments along with 12% interest per annum. This Court vide order dated 28.10.2021 disposed of the said writ petition with the direction to the respondents to look into the legal notice served by the petitioner. Since, the respondents did not comply with the order dated 28.10.2021 passed by this Court, as such, the petitioner filed COCP No.541-2022 before this Court and during the pendency of the contempt petition impugned order dated 21.02.2022 (Annexure P-6) has been passed by the respondent No.3 rejecting the claim of the petitioner on the grounds that neither the petitioner was appointed in the year 2009 nor he was paid salary.

3. I have heard learned counsel for the petitioner and have gone through the case file carefully.
4. Vide order dated 22.09.2023, learned counsel for the petitioner sought time to place on record the relevant documents for justifying the delay in filing the present petition as the petitioner is claiming benefits based upon his appointment as carpenter in the year 2009 vide Annexure P-1. In compliance of the same, he placed on record the representation dated 25.02.2022, whereas his claim dated 21.02.2022 (Annexure P-6) had already been rejected and the same has been challenged by way of present writ petition.
5. A perusal of order dated 21.02.2022 (Annexure P-6) reveals that petitioner was neither appointed in the year 2009 nor he was paid any salary in lieu of the same. Moreover, once the petitioner is hinging upon the Annexures P-1 and P-2, the so called selection/appointment letter and identity card. A bare perusal of both the documents shows that petitioner was neither appointed by the respondent-University nor any amount of salary as claimed by him has ever been transferred in the bank account. In the present petition, the petitioner has claimed his rights on the basis of selection/appointment letter dated 07.05.2009 (Annexure P-1) being the stale claim and once the categoric stand of the respondent-University is that petitioner was never appointed, the plea raised by the petitioner is not sustainable.
6. In light of the above, the present petition is devoid of merits and does not succeed. Accordingly, the same is dismissed.

04.10.2023
Sapna/vanita

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No