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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25732-2023

Date of Decision: 07.12.2023

Kulwant Singh

. . . . Petitioner

Vs.

Guru Nanak Dev University and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Ajaivir Singh, Advocate,
for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner has been given another lease to take up his matter before the concerned University for treating him as regularized on the post of DPE in the college where he was initially appointed in the year 1999 on ad hoc basis by the orders passed in the Regular Second Appeal No.3653-2014, decided on 24.05.2023, which resulted in an order passed by the Guru Nanak Dev University/respondents on 02.08.2023 rejecting the claim of the petitioner, and therefore the present writ petition has been filed challenging the order dated 02.08.2023.
2. The petitioner had filed a civil suit challenging the action of the University and the respondents in not treating him as regularized on the post of DPE when the college was taken over by the State Government. The said aspect was examined in the civil suit, first appeal as well as second appeal, and the same was not accepted by all the three forums.
3. At the stage of second appeal, while the court rejected the contentions of the petitioner, it made an observation that University is directed to take appropriate decision keeping in view the request moved by the institution

through Exhibit P-6 within a period of two months from the receipt of copy of the order. Although the said directions were not made as part of the decree, and it is informed that even the decree was not prepared in the RSA, the University upon receiving directions in the second appeal, again examined the case of the petitioner and found that while in 2005, recommendations were made by the Chairman to regularize the petitioner on the post of DPE, the Vice-Chancellor did not accept the same and directed the college to fill up the post of DPE on regular basis by issuing advertisement to be published in two newspapers as per the Rules, but no further action was taken by the college authorities in this connection.

4. The Registrar, University has also examined the case of the petitioner as to whether the petitioner can be regularized independently, and found that in terms of Supreme Court judgment in *Secretary, State of Karnataka and others vs. Umadevi and others, 2004 (7) SCC 132*, he could not be regularized. Having noticed all the facts afresh, the order dated 02.08.2023 was passed.
5. Learned counsel for the petitioner submits that at the time of initial entry in service, the selection was conducted by issuing an advertisement and therefore there was no occasion to direct again to conduct the exercise by issuing an advertisement, and the authority has wrongly examined his case.
6. This Court finds that the directions issued by this Court in RSA No.3653-2014 have been complied with, and the University has remained affirm to the stand which it had taken in the civil suit. The civil suit claiming regularization of the petitioner has been rejected, and the RSA was also dismissed.

7. In view thereof, fresh examination of the case of the petitioner by this Court is not called for.
8. This Court finds that the impugned order takes into consideration all the aspects which were available before the University at the relevant time and takes into consideration the view whether he can be independently regularized. Considering that he was appointed in 1999 and had not completed 10 years of service in terms of Uma Devi’s case (supra), he cannot be considered for regularization in that term also. No relief to that extent has been even granted in the civil suit proceedings.
9. Writ Petition stands *dismissed* accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

December 07, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |