

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CWP-6599-2024
Date of Decision: 20.03.2024

Rakesh Kumar ...Petitioner(s)

Versus

Guru Jambheshwar University of Science and Technology, Hisar and
another ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R.K. Malik, Senior Advocate with Mr. Sandeep Dhull,
Advocate for the petitioner

Mr. Puneet Gupta, Advocate for the respondents/University

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 29.02.2024, Annexure P-4, whereby the petitioner has been ordered to be relieved from contractual service with effect from 31.03.2024; and a direction to allow him to continue working till the workload exists.

2. The petitioner was engaged in the University as Assistant Professor English on 02.08.2019. One of the terms of appointment, as incorporated in the letter dated 02.08.2019, Annexure P-1, is that it is up to 31.05.2020 or till the workload exists, whichever is earlier. However, he continues in service without any break since the date of initial appointment.

He had earlier approached this Court, along with other contractual employees, by filing CWP No.34689 of 2019, seeking pay as admissible to regular employees, and for permission to continue in service till the workload exists. The case was finally decided vide order dated 15.07.2021, on a statement made by learned counsel representing the University that the petitioners, including the present petitioner, will not be replaced by another set of contractual employees unless they misconducted themselves during the tenure. They would be allowed to continue in service till the workload existed and their services were required for the purpose.

3. It is contended by the learned senior counsel that despite the undertaking, the impugned show cause notice has been issued to relieve the petitioner from service with effect from 31.03.2024 which is impermissible. Besides, the notice is not maintainable even otherwise since workload in the Department exists as is apparent from letter dated 06.03.2024, Annexure P-5, written by the Chairman giving details of the existing workload and requesting to retain the petitioner till the end of June.

4. Learned counsel for the University, appearing on advance notice, contends that the petition has been rendered infructuous as vide subsequent order, dated 19.03.2024, passed by the Vice-Chancellor the petitioner has been allowed to work in the Department up to 30.04.2024, instead of 31.03.2024.

5. It is apparent from the facts aforesaid that as on date no cause survives to the petitioner, since he has been allowed to continue working in the Department till 30.04.2024. At the same time, the University cannot be

permitted to renege on the pledge. Accordingly, this petition is disposed of with a direction that the University shall remain bound by the undertaking given to this Court, as recorded in the order dated 15.07.2021, that the petitioner shall not be replaced by another contractual employee and will be allowed to continue in service till workload exists.

(TRIBHUVAN DAHIYA)
JUDGE

20.03.2024
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>