

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(106)

LPA-1316-2023 (O&M)

Decided on : 29.02.2024

Punjabi University, Patiala through its Vice Chancellor & others

.....Appellant(s)

Versus

Sandeep Sharma

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present:- Mr.Amit Bansal, Advocate, for
Mr.H.S.Batth, Advocate for the appellants.

G.S. Sandhawalia, ACJ (Oral)

CM-3360-LPA-2023

1. Application for condoning the delay of 79 days in filing the present appeal is allowed in view of the averments made in the application duly supported by affidavit of the official. Delay of 79 days in filing the present appeal is hereby condoned.

2. CM stands disposed of.

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3. Consideration in the present appeal is to the judgment dated 25.05.2023 passed by the Learned Single Judge whereby CWP-11270-2020 was allowed and the communication dated 24.09.2019 (Annexure P-10) was quashed whereby the writ petitioner-employee had been asked to furnish affidavit that he would not claim for salary for the period he remained out of job as a condition precedent for his reinstatement. Resultantly, directions were issued for regularization of the services of the employee in terms of order dated 16.12.2016 (Annexure P-5) along with all consequential benefits including monetary as well as notional benefits from the said date within a period of 4 weeks. Costs of Rs.50,000/- were also imposed by noticing that the employee had been forced to approach this Court twice, once in review application and second time, by way of writ petition.

4. Counsel for the appellants submits that the University is not bound to pay the financial benefits from 17.05.2017 till 24.09.2019 as the employee had never worked for the said period on the principle of 'No Work No Pay' and thus, the Learned Single Judge erred in allowing the writ petition.

5. We are not convinced with the said argument raised. Apparently the writ petitioner had filed CWP-5979-2014 seeking regularization of his services and also the order dated 06.03.2014 whereby the University had decided to relieve him from service. The said benefits were granted during the pendency of the writ petition vide order dated 16.12.2016 (Annexure P-5) and the services of the writ petitioner were regularized on having completed 5 years of service w.e.f. 01.04.2012. Resultantly, he submitted the necessary affidavit dated 15.12.2016 (Annexure P-6). The said writ petition was dismissed on 06.04.2017 on the ground that appointment of the writ petitioner was on ad-hoc basis till a regularly selected candidate was appointed and the order relieving him from his services did not suffer from any infirmity. Accordingly, taking advantage of the dismissal of the writ petition, the University dispensed with his services vide illegal order dated 18.05.2017 (Annexure P-8) without taking into account the fact that he already stood regularized as per its own order dated 16.12.2016 (Annexure P-5). The case of the employee was that having suffered an accident he could not contact his counsel and therefore, could not inform that he had already been granted the benefit of regularization and he had given the necessary affidavit (Annexure P-6), as noticed above.

6. Learned Single Judge thereafter allowed the Review Application No.354 of 2017 filed in the said writ petition on 13.12.2017 (Annexure P-9) by noticing the said facts and taking note of the subsequent events in terms of the order dated 16.12.2016 and the affidavit filed before the University and disposed of the writ petition. In such circumstances, the impugned order dated 24.09.2019 (Annexure P-10) was passed after a period of 2 years requiring him to file an affidavit that for the period he remained out of job, he should not ask for any payment on account of having been reinstated as Junior Engineer (Civil) (Adhoc). Nothing else

