



CWP-37413-2019 (O&amp;M)

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

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CWP-37413-2019 (O&M)  
Date of Decision: 02.08.2024

Pinki Sharma

...Petitioner(s)

**Versus**

State of Haryana and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Saurabh Bajaj, Advocate for the petitioner  
Mr. Rohit Arya, Deputy Advocate General, Haryana  
Mr. Pawan Kumar Mutneja, Senior Advocate with  
Ms. Suverna Mutneja, Advocate and  
Mr. V.S. Mahal, Advocate for respondents no.3 & 4

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**TRIBHUVAN DAHIYA, J. (Oral)**

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the letter dated 31.10.2019, Annexure P-3, whereby the petitioner was given the punishment of termination from service without issuing any show cause notice or inquiry, in violation of the Haryana Affiliated Colleges (Security of Service) Act, 1979.

2. Learned senior counsel appearing for the third and fourth respondent contends that the petitioner was working with the third respondent/College, which is an unaided private educational institution, and was relieved from service on attaining the age of superannuation, i.e., fifty-eight years, vide letter dated 30.10.2019, Annexure R-3/1. She was also asked to collect her dues from the College after getting clearance from the concerned

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Department. The impugned order dated 30.10.2019, Annexure P-4, was never passed by the College authorities. In fact, the College had replied to the petitioner's legal notice vide its letter dated 11.12.2019, Annexure P-6, clearly mentioning that she was aware of the fact that her services came to an end on attaining the age of superannuation, and she was retired with effect from 31.10.2019. A letter to that effect was sent to her which was intentionally not received. This is the specific stand taken by the respondents in the written statement dated 18.01.2020, and there is no denial to these averments.

3. Learned counsel for the petitioner, however, contends that the impugned order had been passed, and there was no reason for the petitioner to fabricate it.

4. Heard.

5. As per pleaded case of the second and third respondent, the petitioner was relieved from service on attaining the age of superannuation. She has not disputed the fact by filing any counter affidavit or bringing on record any other material.

6. In this view of the matter, this Court has no option but to accept the facts pleaded by the College, and substantiated by documents as well. These undisputed facts establish that the petition has been filed by bringing wrong facts on record in an attempt to mislead the Court. The petitioner was not terminated from service, instead she was relieved on attaining the age of superannuation vide letter dated 03.10.2019, Annexure R-3/1.

7. In view thereof, the petition stands dismissed with costs of ₹10,000, which are to be deposited by the petitioner in the Poor Patients Welfare Fund, PGIMER, Chandigarh, within four weeks.

8. Pending application(s), if any, also stand(s) disposed of.

02.08.2024

Payal

Whether speaking/reasoned

Whether reportable

(TRIBHUVAN DAHIYA)

JUDGE

Yes/No

Yes/No