

(2015) 04 P&H CK 0388
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2982 of 1993

Managing Committee, D.A.V. Sr. Secondary School	APPELLANT
Vs	
State of Haryana and Others	RESPONDENT

Date of Decision : 01-04-2015

Acts Referred:

Citation : (2015) 3 SCT 685

Hon'ble Judges : Ajay Tewari, J

Bench : Single Bench

Advocate : A.S. Virk, for the Appellant; Ashok Singh Chaudhary, A.A.G,
Advocates for the Respondent

Final Decision : Disposed off

Judgement

Ajay Tewari, J—By this petition the petitioner has challenged the order dated 15.01.1993 passed by respondent No. 2 whereby the order of termination passed by the petitioner-Management against respondent No. 4 during the period of probation has been set aside and the respondent No. 4 has been ordered to be reinstated with all consequential benefits. It is not disputed that the appeal filed by the respondent No. 4 before respondent No. 3 has been rejected but that filed before respondent No. 2 has been allowed. The order of termination of service is in the following terms:-

"You are hereby informed that your services are no longer required in the Institution. Therefore, you are hereby relieved off your duties today in the forenoon."

2. The respondent No. 2 however allowed the appeal on the ground that in the reply it had been mentioned that the work and conduct of the respondent No. 4 was not satisfactory. It was on the basis of the reply that the respondent No. 2 came to the conclusion that once the services of the respondent No. 4 had to be terminated on the ground that his work and conduct was not satisfactory an inquiry should have been ordered.

3. Learned counsel for the petitioner has argued that the only reason the Management would have to terminate the services of an employee during probation can be that the work and conduct is not satisfactory, otherwise there would be no occasion for the Management to terminate the services of the employee on probation and in these circumstances it would be too much to hold that in every case the inquiry has to be held. Despite notice none has entered appearance on behalf of respondent No. 4 to contest this case. In the circumstances, the petition is allowed and the impugned order is set aside.

Since the main case has been decided the pending, civil miscellaneous application, if any, also stands disposed of.