

(2015) 04 P&H CK 0371

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition Nos. 12364 of 1996 and 1589 of 1999 (O&M)

Narsi Ram and Others

APPELLANT

Vs

Guru Jambheshwar University and Others

RESPONDENT

Date of Decision : 01-04-2015

Acts Referred:

Citation : (2015) 3 SCT 285

Hon'ble Judges : Ajay Tewari, J

Bench : Single Bench

Advocate : Y.P. Malik, for the Appellant

Final Decision : Disposed off

Judgement

Ajay Tewari, J—This order shall dispose of the above said two petitions. Since common questions of law and facts are involved therein, they both are being decided by this common order. For ready reference the facts are being taken from CWP No. 12364 of 1996. By writ petition bearing CWP No. 12364 of 1996 the petitioner has challenged the appointment of the petitioner in CWP No. 1589 of 1999 as Reader in the year 1996.

2. In the written statement filed in CWP No. 12364 of 1996 the respondent-university accepted that the petitioner in CWP No. 1589 of 1999 was wrongly considered to be eligible and averred that thereafter his services were in fact sought to be terminated whereupon he filed CWP No. 1589 of 1999. At that stage, by way of an interim order he was allowed to continue on that post. In the circumstances he has continued to work on the post since 1996 i.e. almost 20 years ago. It is possible that he may have been even further promoted or he may have even retired. It is also doubtful whether now after 20 years the petitioner would still be interested in the post of Reader which was advertised 20 years ago. When I put these issues to the learned counsel he was not able to throw any light. It is unfortunate that this lapse of two decades has led to this situation but it is not always possible to put the clock back.

3. Resultantly, in my considered opinion, civil writ petition bearing CWP No. 12364 of 1996 has to be dismissed as having been rendered infructuous. Ordered accordingly.

4. As regards CWP No. 1589 of 1999, once the employee has continued to work for 20 years, it would be very unjust to set aside his appointment on the ground that he did not have the essential eligibility at the time of interview almost 20 years ago.

5. Resultantly, CWP No. 1589 of 1999 is allowed and the order terminating the services of the petitioner is set aside. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.