
(2001) 02 P&H CK 0152
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3341 of 1985

Ram Babu Sharma

APPELLANT

Vs

Haryana State Handloom and Handicrafts Corporation Ltd.

RESPONDENT

Date of Decision : 01-02-2001

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2001) 02 P&H CK 0152

Hon'ble Judges : Bakhshish Kaur, J

Bench : Single Bench

Advocate : Mr. Girish Agnihotri, for the Appellant; Mr. P.S. Patwalia, for the Respondent

Final Decision : Allowed

Judgement

Bakhshish Kaur, J.—The petitioner was offered a temporary post of Manager-cum-Accountant in the pay scale of Rs. 300-25-550-30-700. He was appointed on probation for a period of one year. The terms and conditions of his service are as contained in Annexure P-1 dated 25.2.1977. On the completion of one year probation period, his appointment as Accountant was made regular and as per Annexure P-3 he was promoted to the post of Assistant Accounts Officer in the pre-revised scale. Since he was on probation for a period of one year as per Annexure P-3, therefore, his services were regularised vide Annexure P-4.

2. The services of the petitioner were terminated on July 1, 1985 vide Annexure P-6 with immediate effect. In lieu of three months notice, he was issued a cheque of Rs. 7777.50 as pay for a period of three months. The order terminating his services was challenged by the petitioner by way of filing this writ petition under Articles 226/227 of the Constitution of India.

3. The appointment of the petitioner, as above, and the passing of the impugned order, was admitted by the respondent. However, according to the respondent, the impugned order is legal and valid and is not liable to be quashed.

4. I have heard Shri Girish Agnihotri, learned counsel for the petitioner and Shri P.S. Patwalia, learned counsel for the respondent.

5. During the course of arguments, Mr. P.S. Patwalia learned counsel for the respondent, urged that the Corporation is running into huge losses, as a result of which large number of employees are being surplus. Faced with this difficulty and financial crunch, an offer was made to pay to the petitioner 25% back wages to date and it was also agreed to take him back in service.

6. Considering the nature of the case and the difficulty expressed by the learned counsel for the respondent and also that the offer made by the respondent is accepted by the petitioner, this writ petition is allowed. The impugned order is set aside with a direction to the respondent to pay to the petitioner 25% back wages till date within a period of three months. He is also ordered to be reinstated forthwith.

7. Petition allowed.