
(2010) 06 P&H CK 0003
In the Punjab And Haryana At Chandigarh

Ram Bali

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 30-06-2010

Acts Referred:

Citation : (2010) 06 P&H CK 0003

Hon'ble Judges : Ashutosh Mohunta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ashutosh Mohunta, J.—The petitioner has filed this writ petition praying for quashing Annexures P2 and P3 passed by respondent No. 2 vide which his services were terminated by giving him one month's notice.

2. Briefly the facts of the case are that on a request made by the Chief Town Planner, Punjab, Chandigarh, to the Employment Exchange, the name of the petitioner along with 19 others was sent by the Employment Exchange in the year 1983 for the post of Chowkidar. Only three persons appeared for interview and the petitioner was selected for the post of Chowkidar. Accordingly, the appointment letter was issued to him vide Annexure P1. As per Clause 12(a) of the appointment letter, the services of the petitioner could be terminated at any time by the Government by giving him one month's notice or after paying one month salary with all allowances.

3. The petitioner was appointed to the post of Chowkidar vide letter dated 30.11.1983 under intimation to the Employment Exchange against a regular post on temporary basis. After a lapse of more than one year, the Employment Exchange intimated vide letter dated 17.1.1985 that the list of candidates sent to their office was fake and in fact no such list had been forwarded and, hence, requested the office of the Chief Town Planner, Punjab, to dispense with the services of the petitioner. The case of the petitioner was taken up by the Department with the Government which directed the Chief Town Planner, Punjab,

to dispense with the services of the petitioner. Accordingly, one month's notice for termination of the services of the petitioner was served upon him. The petitioner submitted a representation which was rejected by the Government.

4. In the present writ petition, it has been averred on behalf of the petitioner that since his name was sent by the Employment Exchange and he has been served for more than two years, therefore, his services could not have been terminated. On the other hand, reply has been filed on behalf of respondent No. 2 wherein it has been averred that the select list allegedly sent by the Employment Exchange was fake. They have informed that name of the petitioner in the fake list is not registered at Registration No. 30/83 in their office and in fact at this Serial number the name of one Piara Singh was registered. It has further been averred that action has been initiated against Jaspal Singh, Clerk, and Jaswant Singh, Peon, who have primarily been held responsible for sending the fake list of the candidates and have been placed under suspension. FIR No. 664 dated 19.9.1984 has been registered with the police against the aforementioned two officials and a departmental enquiry is also being held against the said officials of the Employment Exchange.

5. A perusal of the aforementioned facts clearly shows that the Employment Exchange has categorically intimated that the list of candidates sent was a fake one and that no such list had been forwarded. The name of the petitioner does not find mention at Sr. No. 30/83 at which Serial number the petitioner claims that his name was registered with the Employment Exchange.

6. Apart from the above, as per Clause 12(a) of the appointment letter, the services of the petitioner could be terminated at any time by the Government by giving him one month's notice or after paying one month salary with all allowances. This Clause has been fully complied with by the respondents before dispensing with the services of the petitioner.

7. In view of the above, as the list of candidates allegedly sent by the Employment Exchange has been found to be fake and the services of the petitioner have been terminated in consonance of Clause 12(a) of the appointment letter, therefore, the services of the petitioner have been validly dispensed with vide impugned orders Annexures P2 and P3.

8. Resultantly, there is no merit in the writ petition and the same is dismissed.