

(2009) 02 P&H CK 0214
In the Punjab And Haryana At Chandigarh

Sat Pal Bhardwaj	Vs	APPELLANT
Union of India (UOI) and Others		RESPONDENT

Date of Decision : 11-02-2009

Acts Referred:

Citation : (2009) 02 P&H CK 0214

Hon'ble Judges : Surya Kant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Surya Kant, J.—The petitioner - a retired Head Clerk of the Post Graduate Institute of Medical Education & Research (PGIMER), Chandigarh and who claims himself to be the Chairman of the PGI Employees Union, seeks a writ of quowarranto for removal of respondent No. 3 from the post of Director, PGIMER. He also seeks quashing of the order dated 7.4.2008 (Annexure P-4) whereby respondent No. 3 has been allowed to continue as Director of PGIMER till 3 1.3.2009.

2. In sum and substance, the petitioner's case is that respondent No. 3's continuation as Director is contrary to the verdict of the Hon'ble Supreme Court in the case of Dr. S.K. Kacker Vs. All India Institute of Medical Sciences and Others, as respondent No. 3 cannot be permitted to hold dual charge of the Director as well as Professor and Head of the Cardiology Department. It is urged that there are a number of cases which are pending inquiry before the Central Vigilance Commission, New Delhi against respondent No. 3 and since he has already attained the age of superannuation on 30.4.2008, his continuation as Director is contrary to the service regulations.

3. Having heard Learned Counsel for the Petitioner at some length and on perusal of the writ petition, I am satisfied that the petitioner's claim lacks bona fide. The petitioner appears to have lent his services to someone who is clamouring for appointment either as Head of the Cardiology Department or as

Director of the Institute. Though the impugned order granting extension to respondent No. 3 as Director, PGIMER till 31.3.2009 was passed on 7.4.2008, the writ petition has been instituted at this juncture apparently to pre-empt further extension, if any. The petitioner who is a retired Head Clerk, can possibly have no locus-standi or cause of action or an axe to grind against respondent No. 3. The petitioner appears to be some busy body who has filed the writ petition for the sake of publicity.

4. Dismissed.