

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 219

Case No. : C. W. P. No. 9502 of 2012

Date of Decision : April 06, 2015

Avtar Singh ..... Petitioner  
Vs.  
Punjab Mandi Board and another .... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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*To be referred to Reporters or not ?*

*Whether the judgment should be reported in the digest ?*

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Present : Mr. Sharwan Sehgal, Advocate  
for the petitioner.

Mr. Tarunvir Singh Lehal, Advocate  
for the respondents.

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**DEEPAK SIBAL, J. :**

The present judgment disposes of two similar petitions being

**C. W. P. No. 9502 of 2012 – Avtar Singh vs. Punjab Mandi Board and**

**another** and **C. W. P. No. 9503 of 2012 – Ram Singh vs. Punjab**

**Mandi Board and another.** For the sake of convenience, facts have been

taken from **C. W. P. No. 9502 of 2012.**

On the basis of Resolution dated 15.12.2011 (Annexure P-3), passed by the Market Committee, Barnala (hereinafter referred to as – the respondent Committee), through appointment order dated 21.12.2011, the petitioner was appointed as a Chowkidar. In pursuance to such order of appointment, he joined his duties on 21.12.2011 itself.

Through the impugned order dated 15.03.2012 (Annexure P-6), the above referred Resolution dated 15.12.2011 passed by the respondent Committee was ordered to be annulled by the respondent Punjab Mandi Board (hereinafter referred to as – the respondent Board), on the ground that before appointing the petitioner, the procedure, as provided under the Punjab Market Committees (Class-IV) Service Rules, 1989 (hereinafter referred to as – the Rules), had not been followed. For annulling the above said Resolution, the respondent Board had referred to Rule 2 (f) of the Rules, wherein it had been provided that recruitment to any Class IV post was required to be made through a Committee consisting of Chairman of Committee as its President, District Mandi Officer or his nominee and two other representatives – one each out of Scheduled Caste and Ex-Serviceman, to be nominated by the Committee amongst its members. As no such Committee had been formed before appointing the petitioner, the Resolution dated 15.12.2011, which formed the basis of the appointment of the petitioner, was ordered to be annulled by the respondent Board and resultantly, the impugned order dated 25.04.2012 (Annexure P-7) was

passed terminating the services of the petitioner.

It is the admitted case between the parties that before terminating the services of the petitioner, no notice or opportunity of hearing was granted to him. The record further reveals that before passing of the order terminating the services of the petitioner, he had been serving the respondent Committee for over four months. That being so, his services could not have been terminated without following the principles of natural justice.

In view of the above, the impugned orders dated 15.03.2012 (Annexure P-6) and 25.04.2012 (Annexure P-7) are quashed, however, with liberty to the respondents to proceed against the petitioner, in accordance with law.

Both the writ petitions stand allowed in the above terms.

**( DEEPAK SIBAL )**  
**JUDGE**

**April 06, 2015**

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