

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1319 of 2016 (O&M)

Date of Decision: 27.07.2016

Ravi

... Appellant

VS.

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE DARSHAN SINGH**

- | | |
|---|-----------------|
| 1. <i>Whether speaking/reasoned?</i> | Yes / No |
| 2. <i>Whether reportable?</i> | Yes / No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | Yes / No |
| 4. <i>To be referred to the Reporters or not?</i> | Yes / No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | Yes / No |

Present: Mr. Naveen Daryal, Advocate for the appellant.

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 13.06.2016 whereby learned Single Judge dismissed the appellant's writ petition and has upheld the order dispensing with his services as a Peon from District Legal Services Authority, Panipat. The appellant was appointed to the post of Peon through proper channel and was offered appointment vide order dated 06.09.2012 (P-3). The appointment letter, unfortunately, is self-contradictory as on one hand it says that the appellant was appointed "on purely on temporary basis for a period of six months..." but in the same breath, it recites that he will remain "on probation for a period of two years, which can be extended for another year...". Similarly, as per Clause 3 his service shall be governed by the Punjab Civil Services Rules as applicable in Haryana as well as Haryana Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997. Suffice it to mention at the outset that the appellant was not an employee of the District Judiciary hence it is doubtful that these Rules were applicable. Similarly, once he was

appointed through open competition and kept on probation for 2 years, it is self-contradictory to say that his appointment was only for a period of six months. The insertion of unworkable terms and conditions do suggest lack of desired application of mind by the District Legal Services Authority.

(2) Be that as it may, we will assume that the appellant was appointed on regular basis and was kept on probation for a period of 2 years.

(3) The reasons for termination of services of the appellant during probation are discernible from a communication dated 16.02.2016 sent by Chief Judicial Magistrate-cum-Secretary District Legal Services Authority, Panipat (R-3/6). The letter indicates that there have been instances of gross misconduct on the part of the appellant, whose actions were found to be “highly objectionable and arrogant”. It is alleged that he remained absent from duty without intimation and left the station without permission of the Officer In-charge. A report to this effect was sent to the Chairman of the District Legal Services Authority on 05.11.2014 but no action was apparently taken. Yet another report was sent on 14.12.2015 along with below satisfactory work and conduct report for a period of six months starting from 08.09.2015 to 07.03.2016. Subsequently also, several such reports were sent by the above-stated authority.

(4) Assuming that the communication dated 16.02.2016 was sent after filing of the writ petition by the appellant, the fact remains that there are numerous communications mentioned therein which pertain to the period before filing the writ petition.

(5) There is no allegation of bias or malice etc. There is otherwise no reason as to why the Secretary of District Legal Services Authority would continuously write against the appellant if his work and conduct was

satisfactory. It appears that the failure of the Chairman of the District Legal Services Authority in taking timely action on the reports submitted by the Secretary of that Authority, emboldened the appellant to indulge in one or the other act of indiscipline which finally led to the action of termination of his services.

(6) No case to interfere with the order passed by learned Single Judge is made out.

(7) Dismissed.

(Surya Kant)
Judge

27.07.2016
vishal shonkar

(Darshan Singh)
Judge