

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16940 of 2011 (O&M)
Date of Decision:-11.08.2017.

Maman Ram

.....Petitioner

Versus

Block Education Officer, Hisar II, Mohalla Rampura Hisar, District Hisar
and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Tara Chand Dhanwal, Advocate for the petitioner.

Mr. J.S. Bedi, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

Petitioner has questioned the validity of Annexure P-10 award dated 23.04.2010.

Petitioner was appointed as a Water Carrier on 09.12.1998. His services were terminated on 28.2.2003. It is undisputed that post of Water Carrier is part and parcel of rules of recruitment in the Education Department (Group-D category). Therefore, petitioner has been appointed against one of the post earmarked in the rules of recruitment. Consequently, if any termination of Water Carrier, the respondents were required to follow the Haryana Civil Services (Punishment & Appeal) Rules, 1987 (for short 'the 1987 Rules'). Admittedly, no inquiry has been held under the 1987 Rules. Hence, there is a clear violation of disciplinary rules so also

termination is without notice. The Labour Court failed to take note of the fact that Water Carrier post is part and parcel of rules of recruitment in the Education Department and so also before ordering termination of the petitioner from the post of Water Carrier, inquiry should have been held. Thus, the Labour Court has erred in holding that petitioner-workman has not made out a case. Accordingly, award dated 23.04.2010 is set aside. Petitioner is entitled for reinstatement with all consequential benefits from the date of termination till reinstatement. The concerned respondent is hereby directed to reinstate the petitioner within a period of 2 weeks from today.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

August 11, 2017.
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.