

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No. 3512 of 2015 (O&M)
Date of decision: February 20th, 2017

Amita Guglani

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Hemender Goswami, Advocate,
for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

JAISHREE THAKUR, J.

1. The petitioner was selected and offered appointment as Data Entry Operator on job work basis at fixed salary of Rs. 5,000/- per month by order dated 18.3.2010. She continued to work at Suvidha Centre for initial period of three months, which was extended from time to time after giving notional break of one day. She applied for leave on 22.8.2014 to attend the marriage of her brother and left for Muktsar. While at Muktsar, she received a phone call that the stock register could not be found. She resumed her duties on 2.9.2014 and was issued a show cause notice thereafter asking her to give her explanation as to why disciplinary action be not initiated with regard to misplaced stock register. The petitioner replied to the said show cause notice. However, her services were terminated by the impugned order dated 15.12.2014. Aggrieved against the termination of her services, the instant writ petition has been filed.

2. Learned counsel for the petitioner appearing on behalf of the petitioner contends that the petitioner had worked satisfactorily with the Suvidha Centre from 2010 onwards and was not even issued a show cause notice; nor was afforded any opportunity of hearing before the termination order was passed. It is argued that the order of termination is highly excessive and disproportionate to the alleged misconduct of having misplaced the stock register. It is also argued that against the termination order dated 15.12.2014, she had requested that an inquiry may be conducted in the matter and only thereafter such severest punishment of termination be passed, while submitting that there was no charge sheet issued to her before termination order was passed.

3. Learned counsel for the petitioner has also relied upon a judgment in **Marathwada Ustod Kamgar Vikas Mandal and another Versus Balaji and another Civil Writ Petition No. 1998 of 2016 decided on 23.1.2017** to contend that the order of termination is stigmatic and, therefore, without conducting a domestic inquiry, the order of termination is illegal in the eyes of law.

4. Per contra, learned counsel appearing on behalf of the State submits that the petitioner was only employed on job work basis with effect from 18.3.2010 and services were renewed from time to time with the last extension which was given upto 2.1.2015. There was a specific condition mentioned in the appointment letter that her services can be terminated at any point of time. It is argued that the petitioner was assigned duties for stock maintenance of stationery, hologram, housekeeping material etc. and since the said stock register, which was in the custody of the petitioner,

could not be traced, an inquiry was initiated to ascertain the cause and fix the responsibility for misplacing the stock register and during the course of the inquiry, the petitioner stated that she had handed over the stock register to Balwinder Singh, Sewadar, however, without obtaining receipt of the same. Balwinder Singh, Sewadar, on the other hand, had stated that though he had received the stock register but returned the same. The explanation of the petitioner was found unsatisfactory as it was her responsibility to maintain the inventory of the stock. A personal hearing was given and it was only thereafter that her services were terminated.

5. I have heard learned counsel for the parties and have also perused the record of the case.

6. Admittedly, the petitioner was employed on job work basis in Suvidha Centre. As such, she would be governed by the terms and conditions of her appointment letter, since the Punjab Civil Services Rules are not applicable to her appointment. As per Clause 5 of her appointment letter, it was specified therein that “the employee can be removed from service at any time without any show cause notice.” In the instant case, the petitioner was served with a notice, which is annexed as Anneuxre P/7 on the record. In the show cause notice, it was clearly mentioned that the petitioner had been assigned the duty in Accounts Branch, Suvidha Center, Ludhiana, as Clerk and the entries in the stock register were required to be maintained by her. The explanation was called for by the said show cause notice in regard to the misplacement of the stock register as well as a personal hearing was also afforded. An inquiry was conducted and thereafter the services were terminated. The services of the petitioner were terminated

after giving her adequate opportunity of hearing. The contention raised that without holding a departmental inquiry or issuance of a charge sheet, the services could not be terminated is unsustainable, in view of the fact that she is not a regular employee of the Punjab Government and had only been engaged on job work basis, initially for a period of three months, which was renewed from time to time before termination of her services. It was incumbent upon the authorities concerned to issue her a show cause notice and after following due process terminate her services, which has been done in the instant case. The argument that has been raised that there was no show cause notice is against the record. A perusal of the appointment letter, which is binding, clearly specify that the services could be terminated at any point of time without assigning any show cause, whereas the procedure of Audi alteram partem has been followed and there is no violation of principles of natural justice. Furthermore, the judgment relied upon by the petitioner in **Marathwada Ustod Kamgar Vikas Mandal (supra)** is not applicable to the facts of the present case, since the petitioner herein was appointed on job work basis, whereas the petitioner in the the case relied upon above was appointed on permanent post but was on probation at the relevant time. Even otherwise the order passed is simpliciter termination, not being stigmatic in nature.

7. In view of the above, there is no ground to interfere in the writ petition. Dismissed.

February 20th, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable	No
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