

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 17.07.2018****CWP No.10574 of 2016**

Anuj

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dhiraj Chawla, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

Having heard learned counsel for the petitioner and the Law Officer at considerable length and having regard to the recommendations of the Committee leading to the termination of the petitioner's services vide order dated 14.11.2015 short of completing the period of extended probation, this Court is, prima facie, of the view that although the Management was well within its right to terminate the services of the petitioner, but the order appears to cast a stigma on five charges, which may gravely affect the future career of the petitioner.

At the time of termination, the petitioner was 29 years of age and was working as a Dental Technician with B.P.S.Government Medical College for Women, Khanpur Kalan, District Sonapat. He was appointed on 12.11.2012. His probation period was extended up to 15.11.2015 vide office letter dated 14.08.2015.

Taking into consideration the above circumstances, I am of the view that the termination order deserves to be set aside to the extent it casts stigma on the petitioner. But this will not mean reinstatement to service when the management has lost confidence in the employee during probation period since the Court is convinced that the termination is not unfounded. Yet, in order to secure the ends of justice, the impugned termination order deserves to be replaced by an order of termination worded simpliciter.

To pave the way toward this end, the respondents are given an opportunity to pass a fresh order within two weeks from the date of receiving of certified copy of this order and convey the same to the petitioner forthwith. The order proposed to be passed will take effect from the date of the earlier order was passed i.e. 14.11.2015 by way of substitution. This would give the petitioner freedom to apply for jobs elsewhere without carrying a stigmatic order of termination from his service with the respondent.

Accordingly, the petition is allowed to the extent indicated above.

17.07.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>