

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-7227-2016(O&M)  
Date of decision : 02.08.2018**

**Mahender Singh**

**..... Petitioner**

**versus**

**Haryana Urban Development Authority  
and others**

**..... Respondents**

**CORAM : HON'BLE MS. JUSTICE RITU BAHRI**

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Present: Mr. R.K.Malik, Sr.Advocate with  
Mr.Sandeep Dhull, Advocate for the petitioner.

Mr. Abhilaksh Grover, Advocate for the respondents.

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**RITU BAHRI, J. (ORAL)**

The petitioner has filed the present petition for quashing of the impugned order dated 31.03.2016 (Annexure P-24) whereby his services were terminated. His further claim is for regularisation of services in view of the policies dated 18.06.2014 (Annexure P-16), dated 14.08.2014(Annexure P-17) and dated 21.08.2014 (Annexure P-18).

Learned counsel for the petitioner has restricted his prayer only to the quashing of termination order dated 31.03.2016 (Annexure P-24). The petitioner was working as a Patwari on contract basis since 09.04.2007 and was being granted extension every year by Chief Administrator, HUDA vide Annexures P-2 to P-15. The extension was granted to him on contract basis. Last extension was granted on 17.06.2016. There is no adverse comment on his work and conduct by the Estate Officer under whom he was

working. Respondent No.3 was appointed as Administrator in the office of HUDA, Rohtak on 05.02.2016 and thereafter on 31.03.2016 services of the petitioner were terminated vide impugned order Annexure P-24. A perusal of the same shows that the work and conduct of the petitioner was not found satisfactory and he was not serious in performing his official work and did not obey the orders of his superiors.

Mr.Malik, learned senior counsel representing the petitioner has argued that the Estate Officer, HUDA had been watching the work and conduct of the petitioner for a period of 2/3 years and had recommended him for regularisation whereas the officer who terminated his services had an occasion to watch his work and conduct only for a period of 1 ½ months and since there were no complaints against the petitioner since 2007 which shows that his work and conduct was good and the termination order is liable to be set aside. He further argued that the officer who terminated the services of the petitioner should have watched the work and conduct of the petitioner at least for a period of three months as held by this Court in **Om Parkash v. State of Haryana and others, 1995(4) SCT 275** referred to by learned counsel for the petitioner wherein it has been held that the reporting officer does not have the jurisdiction to make remarks in A.C.R. Of an officer unless he has seen his work for a minimum period of three months.

The stand taken in the written statement filed by respondents No. 1 to 3 is that the petitioner is bound by the terms and conditions of the appointment letter/agreement Annexure R-1/1 wherein condition No.5 specifically provides that the services of the petitioner can be dispensed with at any time without assigning any reason. On merits, in para 5 of the written statement it is also admitted that work and conduct of the petitioner was

satisfactory up to some extent but at the time of dismissal of his services his work and conduct was not satisfactory. Learned counsel, by way of miscellaneous application, has placed on record a request letter dated 10.06.2016 (Annexure P-31) issued by Estate Officer, HUDA, Rohtak whereby he has recommended for the appointment of the petitioner as Patwari stating that due to his absence the work in the office was suffering as he was discharging his duties satisfactorily and there was no complaint against him.

I have heard learned counsel for the parties and gone through the record and this petition deserves to be allowed since the work and conduct of the petitioner was found to be satisfactory from the year 2007 to 2016 without any complaint and he should be allowed to work again on the same post. The judgment cited by learned senior counsel in the case of Om Parkash(supra) is fully applicable to the facts of the present case which also says that even for writing adverse A.C.R., a period of three months is required by a reporting officer. In the present case the officer who terminated the services had watched the work and conduct for 1 ½ months. There were no complaints since 2007.

Resultantly, in view of the aforesaid discussion, no case for termination of the petitioner is made out even though the petitioner was bound by the terms and conditions of the appointment letter/agreement Annexure R-1/1 and the termination order is liable to be set aside.

The petition is allowed in the aforesaid terms. The petitioner is ordered to be reinstated within a period of four weeks from the date of receipt

of a certified copy of this order.

( RITU BAHRI )  
JUDGE

02.08.2018  
sunita

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |