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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10658/2016

KANWAR SINGH AND ORS

..... Petitioners

Through : Mr. Yashpal Rangi, Mr. Buddha Deo
Pd., Advocates.

versus

GNCT OF DELHI AND ORS

..... Respondents

Through : Mr. Sumit Agarwal, Advocate for R1.
Ms. Sonia A. Menon, Mr. Himanshu
Saini, Advocates for R2, 3.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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22.11.2018

1. Vide the present writ petition, the petitioners have challenged the order dated 28.09.2016 passed by the respondent No. 2 whereby, the services of the petitioners have been terminated.
2. The case of the petitioners is that as per the settled law, the contractual employee cannot be terminated and their posts cannot be occupied with another set of contractual employees.
3. Learned counsel appearing on behalf of respondent No. 2 submits that after the termination of service of the petitioners, the respondents have not employed any of the candidate on the post on which the petitioners were working with the respondents.
4. Learned counsel appearing on behalf of the petitioners submits that in the impugned order dated 28.09.2016, in its last para, it is stated that the work and conduct of the petitioners was again reviewed and their performance was not found satisfactory and therefore, the Competent

Authority in DSPCA/R2 decided that their contract be discontinued w.e.f. 27.09.2016 (A/N).

5. It is not in dispute that during the one year of the service of the petitioners, the respondents have not issued any show cause notice or advisory to the petitioners to improve the performance.

6. Considering the submissions made on behalf of petitioners and on a perusal of the record, since there is no show cause notice issued to the petitioners and no disciplinary inquiry was initiated against the petitioners, therefore, the remarks made by the respondent No. 2 in the order dated 28.09.2016 “***the work and conduct of these employees was again reviewed and the performance of aforesaid employees was not found satisfactory***” is hereby quashed.

7. I hereby made it clear that the above stated remarks which stood quashed by this order shall not come in the way of the petitioners in getting any future employment with any employer.

8. Since the learned counsel for the petitioners, on instructions, submits that he does not dispute the order dated 28.09.2016 on the statement made by learned counsel for the respondents that after the removal of the petitioners, they have not employed any of the candidates on contractual basis, on the same posts, which the petitioners were occupying, he does not press the petition.

9. The writ petition is, accordingly, disposed of in view of the above observations.

SURESH KUMAR KAIT, J

NOVEMBER 22, 2018

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