

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

CWP-8246-2005 (O&M)
Date of decision : 24.05.2019

Inderjit Singh

...Petitioner(s)

Versus

The State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Verma, Advocate,
for the petitioner(s).

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN, J.

The petitioner seeks quashing of impugned order dated 19.07.2004 (Annexure P-6), whereby, his services were terminated and order dated 30.09.2004 (Annexure P-7), whereby, the representation filed by the petitioner has also been rejected.

It is contended that the petitioner was appointed as Driver by respondent No.2 vide order dated 21.03.1995 (Annexure P-1) against a vacant post on 89 days basis. The appointment was extended from time to time. Vide order dated 05.09.2000 (Annexure P-3), he was placed under suspension on the allegation that on the same day, the petitioner had driven official vehicle i.e. Jeep No.PB-13-H-1100 to his village and in a drunken condition, had took up a quarrel with some co-villagers. On account of the incident, the petitioner was also taken in police custody. It is submitted that

despite moving several representations, neither the petitioner was reinstated, nor subsistence allowance was allowed to him. To the utter surprise of the petitioner, he received order dated 27.07.2004 informing him that his services have been terminated retrospectively, w.e.f. 15.09.2000, vide order dated 19.07.2004 (Annexure P-6).

Learned counsel contends that the order of termination with retrospective effect is bad in law and cannot sustain. Moreover, the proceedings against the petitioner under Section 107/151 Cr.P.C. were dropped as the matter was compromised between the parties. No charge-sheet was issued to the petitioner before his termination. A similarly situated employee, namely, Ravinder Singh, who was also appointed like the petitioner on 89-days basis, has been exonerated in the departmental proceedings. Subsequently, said Ravinder Singh was also regularized.

On the other hand, learned State counsel submits that on account of the incident which took place on 04.08.2000, a criminal case was registered against the petitioner and he was also taken into custody. Therefore, the petitioner was placed under suspension vide order dated 15.09.2000 (Annexure P-3). Thereafter, Senior Superintendent of Police, Police District Barnala, informed the District Programme Officer, Sangrur vide his letter dated 21.09.2001 that as per record of local police, the SDM had discharged the petitioner on 14.06.2001. A copy of this letter was sent to the office of the answering respondent by the District Programme Officer, Sangrur vide letter dated 28.02.2002. The office of respondent No.1 summoned the record and after examining the case conveyed decision of the

to take strict action against the officers/officials for not dealing with the case in accordance with the rules/procedure, vide letter dated 05.07.2004 (Annexure R-2). In compliance of the said orders, the services of the petitioner were terminated w.e.f. 15.09.2000 vide order dated 19.07.2004 (Annexure P-6).

Heard.

Considering the act and conduct of the petitioner, which is evident from the fact that criminal proceedings were initiated against him and he also remained in police custody, is a strong circumstance against the petitioner.

However, considering the fact that the impugned order of termination dated 19.07.2004 (Annexure P-6) is stigmatic in nature and has been passed without affording any opportunity of hearing to the petitioner, therefore, the same is quashed and the respondents are directed to pass a fresh order as per law after affording opportunity of hearing to the petitioner.

Disposed of.

24.05.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No