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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12366-2016

Date of Decision : 19.09.2019

Mohan

...Petitioner

Versus

State of Haryana and Others

...Respondents

Before: Hon'ble Mr. Justice B.S. Walia

Present :- Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S.WALIA, JUDGE (ORAL)

1. Prayer in the writ petition is for the issuance of a writ of Certiorari for quashing/setting aside order Annexure P-3 dated 18.05.2016 terminating the service of the petitioner from the post of Mali-cum-Chowkidar. Prayer is also for the issuance of a writ of Mandamus directing respondent Nos. 3 and 4 to consider representation Annexure P-4 dated 23.05.2016, for allowing the petitioner to continue working as Mali-cum-Chowkidar in Block Samiti, Block and Tehsil Indri, District Karnal.'

2. Brief facts of the case leading to the filing of the writ petition are that the petitioner applied for the post of Mali-cum-Chowkidar in response to advertisement issued by Block Samiti Indri, and after facing selection process, was appointed as such on 30.07.2014 for performing part

time duty on fixed rate for 4 hours daily for a period of six months or till joining of regular Mali-cum-Chowkidar.

3. Plea of the petitioner is that although, he was appointed as Mali-cum-Chowkidar in the office of the Block Development Panchayat Office, Tehsil Indri vide order dated 30.07.2014 and his presence was also daily marked for about 22 months, however, vide order Annexure P-3, dated 18.05.2016, his services were terminated without affording him opportunity of hearing, issuing show cause notice or pointing out any lapse on his part and further despite representation Annexure P-4, dated 30.05.2016, he was not taken back on duty.

4. Learned counsel for the petitioner further states that the post on which the petitioner was appointed is lying vacant and has not been filled up and that although as per Annexure R-2 the representation submitted by him was filed by observing that he had nothing to say as he had not turned up for personal hearing despite intimation, therefore, it was presumed that he had nothing to say in the matter but the factual position was that the petitioner had no intimation of the date, time or place of hearing, therefore could not appear before the Block Development Panchayat Officer-cum-Executive Officer, Panchayat Samiti, Indri, District Karnal. Learned counsel further states that the petitioner would be satisfied if the present writ petition is disposed of by directing respondent No.3 to consider and decide representation Annexure P-4, dated 30.05.2016 after giving the petitioner an opportunity of personal hearing.

6. Mr. Harish Rathee, learned Sr. DAG, Haryana states that he has no objection to the aforementioned prayer of the petitioner.

7. In view of the innocuous nature of the prayer made by learned counsel for the petitioner, the writ petition is disposed of by directing respondent No.3 to consider and decide the representation, Annexure P-4, dated 30.05.2016, in accordance with law after giving an opportunity of hearing to the petitioner by informing him of the date, time and place of personal hearing well in advance. Decision as is taken on Annexure P-4 be communicated to the petitioner.

8. Accordingly, the writ petition is disposed of with the aforementioned directions.

(B.S. WALIA)
JUDGE

19.09.2019
Manpreet

1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.