

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

L.P.A. No.453 of 2020

Date of Decision: 22<sup>nd</sup> July, 2020.

Uttar Haryana Bijli Vitran Nigam & Ors.

...Appellants

Versus

Mam Chand & Ors.

...Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Lokesh Sinhal, Advocate,  
for the appellants.

**DAYA CHAUDHARY (ORAL)**

Case has been taken up through video conferencing  
in view of COVID-19 Pandemic.

Appellant-Uttar Haryana Bijli Vitran Nigam and others  
have filed the present appeal to challenge the impugned  
judgment dated 14.02.2020 passed by learned Single Bench in  
C.W.P. No.1876 of 2014 whereby liberty has been granted to the  
appellants to pass fresh orders in accordance with law by  
considering the decision of a Division Bench of this Court in  
**“Union Territory of Chandigarh & Ors. vs. Central  
Administrative Tribunal, Chandigarh Bench & Ors. 2011 (2) RSJ  
219”.**

Learned counsel for the appellants submits that in para  
No.5 of aforesaid order, an observation has been made by  
learned Single Bench that the services of the petitioners

(respondents in this case) were terminated without conducting any regular departmental enquiry. He also submits that the respondents were appointed on contract basis with certain terms and conditions and regular enquiry was not required to be conducted. Even it has not been considered that earlier notices were issued to the respondents as their work and conduct was not found satisfactory.

We have heard learned counsel for the appellants and have also perused impugned order dated 14.02.2020 passed by learned Single Judge.

On perusal of aforesaid order, it reveals that the impugned orders Annexures P-20 to P-35 dated 31.10.2013 were set aside and liberty was granted to the respondents (petitioners in this case) to pass fresh orders in accordance with law. **Union Territory of Chandigarh's** case (supra) was cited by learned counsel for the petitioners in support of his arguments. By considering the order passed in the aforesaid case, liberty was granted to the petitioners to pass fresh orders in accordance with law as per terms and conditions of appointments of the respondents. Even counsel appearing for the petitioners before learned Single Judge did not controvert the stand of the appellants of passing fresh orders in accordance with law in the light of **Union Territory of Chandigarh's** case (supra). Meaning thereby, learned counsel for the appellants while appearing before learned Single Bench has agreed with the order passed

by the learned Single Judge. It appears that the observations made in para No.5 are contrary to the order passed by learned Single Bench. Being aggrieved with the said observation made in para No.5, the appellants have filed the present appeal so that the observations made in para no.5 of the order may not come on the way in deciding the case of respondents.

By considering the submissions made by learned counsel for the appellants and on perusal of the order dated 14.02.2020, we do not find any reason to interfere with the order passed by learned Single Bench. However, the observations made in para No.5 will not come on the way while passing fresh orders. The appellants are also at liberty to pass fresh orders in accordance with the directions issued by learned Single Bench on 14.02.2020 without being influenced by the observations made in para No.5 as well as directions issued by learned Single Bench regarding payment of salary to the respondents.

Disposed of accordingly.

**(DAYA CHAUDHARY)**  
**JUDGE**

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

22.07.2020.  
seema

*Whether speaking/reasoned*  
*Whether Reportable*

*Yes/No*  
*Yes/No*