

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16870-2015

Date of decision: 10.2.2020

Sukhwinder Kumar

.....Petitioner.

vs.

The Syndicate Bank and another

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Anoop Jain, Advocate for
Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. Sandeep Verma, Advocate
for Mr. Pawan Nanda, Advocate for the respondents.

.....

Sanjay Kumar, J. (ORAL)

The petitioner, an attendant in the service of the Syndicate Bank, challenges his termination from service, vide order dated 24.4.2015 (Annexure P-4). Perusal of the said order reflects that the Bank resorted to termination of the petitioner's services on the ground that he was not doing any work and did not want to learn; that he accepted his mistakes and stated that he would work properly in future, but was continuously making the same mistakes; and that his work was not satisfactory.

The petitioner was initially appointed as an attendant on temporary basis in May, 2014. Owing to his unauthorized absence from duty, he was terminated from service in March, 2015. However, the Bank took a lenient view of the matter and re-employed him in service temporarily, vide order dated 10.4.2015.

Mr. Sandeep Verma, learned counsel for the Bank, would stress upon the fact that despite the many opportunities given to the

petitioner, he failed to take advantage of the same and the Bank was therefore left with no option but to terminate his services.

Even if the Bank was justified in resorting to such action, the fact remains that the termination order dated 24.4.2015 is stigmatic in nature. Even a temporary employee would be entitled to be put on notice before such a stigmatic order is passed against him, as it would visit upon him adverse civil consequences even for future employment. Admittedly, the Bank did not do so in the case on hand. However, as the petitioner has been out of service since the year 2015 and considering his past record, this Court is of the opinion that a post-decisional hearing at this stage would suffice to meet the requirements of the principle of natural justice.

The writ petition is accordingly disposed of directing the respondent-Syndicate Bank to issue a notice to the petitioner in relation to the findings recorded against him in the termination order dated 24.4.2015. The petitioner shall submit his representation/reply in response thereto within two weeks from the date of receipt of such notice. The respondent-Syndicate Bank shall thereupon pass appropriate final orders in the matter and take necessary action thereon, if warranted, within two weeks.

No order as to costs.

(SANJAY KUMAR)
JUDGE

10.2.2020
preeti

whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no