

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

CWP No.1876 of 2014

Date of decision: 14.02.2020

Mam Chand & ors.

....Petitioners

Versus

UHBVNL and ors.

...Respondents

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

Present: Mr. Parveen K. Rohilla, Advocate for the petitioners.

Mr. P.S. Poonia, Advocate for the respondents.

B.S. Walia, J. (Oral)

Prayer in the petition under Article 226/227 of the Constitution of India is for the issuance of a writ of certiorari for quashing orders Annexures P-20 to P-35 dated 31.10.2013 terminating the services of the petitioners.

2. Learned counsel contends that the petitioners' services were terminated on the allegation that the certificates submitted by them at the time of securing appointment were from institutes which were not found to be in existence and on said basis, a conclusion was drawn that the petitioners had submitted fake ITI qualification certificates. Learned counsel contends that the impugned orders are without conducting a regular departmental enquiry and are therefore, unsustainable and liable to be set aside.

3. Although, none of the parties has placed order of appointment of the petitioners on record yet learned counsel for the respondents contends that the petitioners were appointed on contract basis initially for a period of six

months and the same was renewed from time to time though it was mentioned in the orders of appointment that the services of the petitioners could be terminated at any time if their work and conduct were found to be unsatisfactory.

4. Learned counsel contends that no doubt the services of the petitioners were terminated without conducting a regular enquiry but they had no right to continue in service and their services were governed in accordance with the terms and conditions contained in the order of appointment which provided that their services could be terminated at any point of time if it was found that their work and conduct was unsatisfactory.

5. Admittedly, services of the petitioners have been terminated by a stigmatic order, that too without conducting a regular departmental enquiry. Learned counsel for the respondents has failed to controvert the plea of the petitioners that termination by a stigmatic order without conducting a regular departmental enquiry is unsustainable.

6. Faced with the aforementioned position, learned counsel for the respondents relies upon the decision of a Division Bench of this Court in **Union Territory of Chandigarh and others versus Central Administrative Tribunal, Chandigarh Bench and others 2011 (2) RSJ 219** to contend that although regular enquiry was not conducted before terminating services of the petitioner, liberty be granted to the respondents to pass fresh orders in accordance with law as per the terms and conditions of appointment of the petitioners.

7. Learned counsel for the petitioners has not been able to controvert the right of the respondents to pass fresh orders in accordance with law in the light of decision as referred to above.

8. In the light of the position noted above, the writ petition is allowed. Impugned orders Annexures P-20 to P-35 dated 31.10.2013 are set aside. However, liberty is granted to the respondents to pass fresh orders in accordance with law.

9. It is made clear that the petitioners shall not be entitled to any backwages consequent to quashing of the impugned orders. However, they will be entitled to wages from today till passing of any other order by the respondents in accordance with law.

February 14, 2020
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No