

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

CWP No.27351 of 2015 (O&M)
Date of decision 24.02.2020

Amit Joon

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Mayur Karkra, Advocate,
for Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Mr. Gurvinder Singh, Advocate,
for Ms. Nupur Chaudhary, Advocate,
for respondent No.3.

Ritu Bahri, J.

Petitioner is seeking quashing of the order dated 18.11.2015
(Annexure P-1), whereby his services have been terminated.

The petitioner was appointed as Additional Block Programme Officer (ABPO), Sihma in Narnaul, in the month of August, 2012 under the Mahatma Gandhi national Rural Employment Guarantee Act. Thereafter, vide orders (Annexure P-2 Colly.), his appointment was extended from time to time up till 31.03.2016. As per letter dated 01.04.2015 (Annexure P-3), his work and conduct was found to be satisfactory. Vide order dated 09.01.2015 (Annexure P-4), Additional Deputy Commissioner-cum-Chief Executive Officer, MGNREGA handed over additional charge of ABPO, Narnaul to the petitioner in addition to the work of ABPO, Block Sihma.

additional charge to help Assistant Programme Officer (Renewable Energy) under the Sansad Adarsh Gram Yojna and his head quarter was fixed at DRDA Officer, Narnaul. An FIR bearing No.460 dated 26.10.2015, under Sections 409/420/467/468/471/511 IPC (Annexure P-6) was registered at Police Station, City Narnaul, District Mohindergarh against Ashok Kumar, Account Clerk, Rajnish and the petitioner.

Learned counsel for the petitioner contends that the allegation of embezzlement was against Ashok Kumar and only role attributed to the petitioner was that he was known to the said Ashok Kumar. He further contends that services of the petitioner have been terminated without following the terms and conditions of the appointment letter (Annexure P-2), which provides for giving a notice of 15 days prior to terminating the service of contractual employee.

Upon notice, reply on behalf of respondent Nos.2 to 5 has been filed, wherein appointment of the petitioner and extensions granted are not being disputed. It is stated that the overall act and conduct of the petitioner was completely non-cooperative. In that regard, warning letters/notices dated 14.07.2015, 20.07.2015 and 27.07.2015 (Annexures R-1/2 to R-1/4) had been issued to him. With regard to FIR No.460 dated 26.10.2015 (Annexure P-6), it is stated that it was registered under Sections 409/420/467/468/471/511 IPC. Thereafter, the petitioner remained willfully absent for a long period and in this backdrop, his services were terminated vide order dated 16/18.11.2015 (Annexure P-1).

A perusal of the warning letters show that consistently, the work and conduct of the petitioner was being monitored, which was not found to be satisfactory. After going through the reply filed, this Court is of

the view that consequent upon registration of FIR (Annexure P-6), services of the petitioner have been rightly terminated. No ground is made out to interfere in the impugned order.

Dismissed.

24.02.2020
ajp

(RITU BAHRI)
JUDGE

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