

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27996-2018

Date of decision: 12.03.2020

Veer Singh and another

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. S.S.Sahu, Advocate for the petitioners.

Mr. Hitesh Pandit, Addl.A.G., Haryana.

RITU BAHRI, J. (Oral).

By this petition, the petitioners are seeking setting aside orders dated 11.10.2018 (Annexures P-4 and P-5) passed by respondent No. 3 Civil Surgeon, Fatehabad.

At the outset, learned counsel for the petitioners has referred to decision passed in ***CWP-27378-2018 titled as Dinesh Kumar V/s. State of Haryana and others***, decided on 09.01.2020 whereby termination order dated 11.10.2018 was set aside and the petitioner was directed to be reinstated with liberty to the respondent-department to pass fresh order in accordance with law while referring to Division Bench judgment passed in ***U.T.Chandigarh and others V/s. CAT, Chandigarh Bench and others 2011 (1) SCT 777***. The short question for consideration in that writ petition was whether service of an adhoc employee can be terminated without holding any enquiry as envisaged under Article 311(2) of the Constitution of India. The brief facts of the case was that a team consisting of Dr. Sunita Sokhi, Deputy Civil Surgeon, Fatehabad, Dr. Girish Kumar, Deputy Civil Surgeon, Fatehabad and Dr. Narender Kharb and Asha Coordinator was constituted by Civil Surgeon, Fatehabad. On the basis of some secret

information with regard to some suspicious activities in the Duty Room, General Hospital, Fatehabad, the team was directed to conduct raid in the Duty room of Ambulance Services in General Hospital, Fatehabad. The room was raided and it was found that two drivers, one EMT and one unknown person were found to be taking alcohol and the video recording was shot. Keeping in view spot memo report, CD and report of Fleet Manager, the Civil Surgeon, Fatehabad terminated the services of two drivers and one EMT vide orders dated 11.10.2018.

In the present case, the petitioner No. 1 is a driver and petitioner No. 2 is the EMT, whose services were also terminated by the Civil Surgeon, Fatehabad vide orders dated 11.10.2018 (Annexures P-4 and P-5) with respect to same incident.

Writ petition is allowed and orders dated 11.10.2018 (Annexures P-4 and P-5) are set aside keeping in view the judgment passed in *Dinesh Kumar's case (supra)*. The petitioners are not entitled to any backwages and they will be allowed to join within a period of one week from the date of receipt of certified copy of this order. However, the respondent-department is at liberty to pass fresh order in accordance with law.

12.03.2020

Divyanshi

**(RITU BAHRI)
JUDGE**

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No