

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

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**CWP-7503-2020(O&M)
Date of Order:22.01.2021**

KESHAV KUMAR

..Petitioner

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anurag Goyal, Advocate,
for the petitioner.

Ms. Kirti Singh, DAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 15.01.2021, the following order was passed:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The services of the petitioner, who was employed on contractual basis as Assistant Technical Manager has been dispensed with the following order:-

“Sh. Keshav Kumar s/o sh. Hans Raj, resident of village Shahidanwali, Post Office Khairatikhera posted as Assistant Technical Manager (A.T.M. ATMA) on contract basis in the department of Agriculture and Farmer Welfare, Fatehabad has tried to spread Religious Hysteria against Sikh Religion and Government by writing some post on facebook. An FIR dated 04.08.2019 was registered against the employee in Police Station, City Fatehabad on the complaint of Chairman, Gurudwara Singh Sabha, Fatehabad and a news item was published on 05.08.2019 in Amar Ujala Newspaper. So, in compliance of order dated 10.01.2020 passed by Deputy Commissioner cum Chairman, ATMA, Fatehabad against Sh. Keshav Kumar, Assistant Technical Manager (A.T.M.

ATMA) on account of registration of an FIR on the allegations of intention to spread Religious Hysteria against a Religion and the Government, your services are hereby terminated w.e.f. 04.08.2019 AN.”

Admittedly, the aforesaid order has been passed without holding the departmental enquiry or granting opportunity to the petitioner. Prima-facie the order passed is not a simpliciter discharge of a contractual employee.

Keeping in view the aforesaid facts, let Director, Department of Agriculture and Farmer Welfare, Haryana, attend the hearing of the case through video conferencing and explain the position.

Adjourned to 21.01.2021.”

Yesterday, Shri Vijay Singh Dahiya, IAS, Director, Department of Agriculture and Farmer Welfare, Haryana, attended the hearing through video conferencing. On his request, the case was adjourned to today.

Today, Sh. Vijay Singh Dahiya, IAS, Director, Department of Agriculture and Farmer Welfare, Haryana, has stated at bar that he has taken a decision to withdraw the order dated 10.01.2020. However, he submits that the State should not be burdened with wages for the period the petitioner has not worked.

Shri Anurag Goyal, Advocate, on instructions from the petitioner, submits that the petitioner would not press for payment of back wages.

Keeping in view the aforesaid facts, the present writ petition has been rendered infructuous and is disposed of as such.

January 22, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No