

CWP-18685 of 2020 (O&M)

Date of Decision: 11.02.2021.

Satyapal Yadav

...Petitioner

And

State of Haryana & Ors.

....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present : Mr. Shreenath A. Khemka, Advocate
For the petitioner.

Mr. Harsh Vardhan, AAG Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. Grievance of the petitioner, who was working as Guest Faculty with respondents is qua termination of his services allegedly in an arbitrary and mechanical manner, vide impugned order dated 16.10.2020(Annexure P-12).

2. It is pleaded by petitioner that his services have been terminated on the alleged charges of non-preparation of Attendance Registers and non-submission of Lesson-Plan in time. According to learned counsel for the petitioner, both the conditions were duly complied as the attendance registered was got verified from the Head of Department on 24.09.2020, while the lesson plans were emailed by the petitioner to the authorities on 26.09.2020. According to him, though the petitioner also replied to the show cause notice, but neither the stand taken by him was considered by the punishing authority nor the petitioner was afforded any opportunity of being heard before imposing the harsh punishment of termination.

3. On the other hand, learned State counsel though has justified the action of respondents in terminating the service of petitioner. On query of court, he was not able to show anything from record that before imposing the penalty, the petitioner was given any opportunity of hearing. From material on record, there appears to a violation of basic principles of natural justice before imposing the punishment.

4. In the premise, termination order dated 16.10.2020 is not sustainable in the eyes of law.

5. As a upshot, instant petition is allowed. Order dated 16.10.2020(Annexure P-12) is set aside with liberty to the respondents to pass orders afresh after affording due opportunity of hearing to the petitioner. The respondents shall intimate the petitioner in advance about the time, date and place of hearing and thereafter proceed in accordance with law.

6. Disposed of.

February 11, 2021
Jiten

(ARUN MONGA)
JUDGE

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