

In the High Court of Punjab and Haryana at Chandigarh

227

CWP-10787-2021 (O & M)

Date of Decision: February 14, 2022

SURJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Raman Singla, Advocate for the petitioner.

Ms. Jasleen Kaur, AAG, Punjab.

Mr. Vikrampreet Arora, Advocate for respondents No.2 and 3.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the impugned order dated 13.05.2021 (Annexure P-8) whereby his services have been terminated.

Learned counsel for the petitioner contends that the petitioner was appointed as driver on 02.11.1994. His services were regularized w.e.f. 03.11.1996. He also contends that services of the petitioner have been terminated without holding a regular enquiry, which is in violation of the Rules to regulate the Employment, Suspension, Removal and Conduct of Officers and Servants of Improvement Trusts in Punjab, 1945. The petitioner was only served a show cause notice, he had duly replied thereto and denied the allegations. However, without holding a regular enquiry, the services of the petitioner were dispensed with.

On the contrary, learned counsel for respondents No.2 and 3 states that the petitioner had been negligent in discharging his duties on several occasions and various warnings were issued to him. He has drawn my

attention to warnings dated 01.03.1996, 08.04.1996 and 12.04.1996 which are annexed at Annexures R-1 to R-3. He also remained absent without leave in the year 2004 and was placed under suspension and later his suspension was revoked. There are adverse remarks in the ACR of the year 2009-2010.

Learned counsel for the petitioner, however, contends that adverse remarks were not communicated to the petitioner.

Heard.

The petitioner is stated to have joined services in the year 1994. His services were regularized in the year 1996. He has been served warnings on few occasions in the year 1996. He is also stated to have absented himself without seeking leave in the year 2004. However, after 2004 there does not seem to be anything adverse in his conduct. The adverse remarks in the ACR of the year 2009-2010 are stated to have not been communicated to the petitioner. Nonetheless the services of a regular employee, who had served for over 25 years, could not have been terminated without holding an enquiry. The impugned order appears to be in violation of rules and principles of natural justice.

Consequently, the petition is allowed and the impugned order is set aside. The petitioner would be reinstated in services with consequential benefits.

However, the respondents, if they so desire, may proceed against the petitioner afresh by holding a regular enquiry.

(ANUPINDER SINGH GREWAL)
JUDGE

February 14, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No