

In the High Court of Punjab and Haryana at Chandigarh

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CWP-11721-2016 (O & M)

Date of Decision: April 07, 2022

JAGJIT PAL

.....PETITIONER

VERSUS

PUNJAB WATER RESOURCES

MANAGEMENT & DEV.CORPN.LTD.&ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.A.S.Walia, Advocate for the petitioner.

Mr. Sameer Sachdeva Advocate for

Mr. Vishal Bedi, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order whereby his services have been terminated.

Learned counsel for the petitioner contends that the petitioner had been reemployed on contractual basis for a period of one year by the order dated 28.04.2016 but his services were terminated before the expiry of the contractual period. The order terminating his services is stigmatic in nature and no notice was issued to the petitioner prior thereto.

Heard.

The petitioner had retired as a Circle Head Draftsman after putting in 37 years unblemished service with the respondent-Corporation. He had been reemployed for a period of one year. In the appointment letter issued on 04.09.2015, it was stipulated that appointment can be terminated without any notice on account of bad behaviour. However, it is also stipulated that in the event of termination of services due to bad behaviour, he shall also be given full opportunity to explain his position before termination. In the reply filed by

the respondents, it has been stated that there were several complaints against the petitioner with regard to bad behaviour with the staff as well as dereliction of duties. The averment in the petition that the petitioner was not served any notice before termination of his services has not been denied. The petitioner had been appointed on contractual basis for a period of one year and his services could have been terminated even before the expiry of the period. However, in case of misconduct, the petitioner should have been served a notice in terms of the conditions of his appointment. The impugned order while terminating the services of the petitioner also mentions about the misbehaviour of the petitioner. The appointment of the petitioner was for a period of one year and could have been terminated even prior thereto but the petitioner had not been served notice for termination which is on account of misbehaviour. The contractual period is over.

Consequently, the petition is allowed to the extent that the adverse remarks in the impugned order would stand expunged and would not come in the way of the petitioner seeking further employment. This being done keeping in view the petitioner's unblemished 37 years service with the respondents prior to his superannuation.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

April 07, 2022
A.Kaundal

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