

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

**CWP-9540-2011 (O&M)**

**Date of Decision: 10.11.2022**

Ashok Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

**Present:** Mr. Gaurav Tyagi, Advocate  
for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

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**ARUN MONGA, J. (ORAL)**

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 08.12.2003 (Annexure P-3) issued by respondent No.3, whereby the petitioner was put off route/services. Quashing of office letter dated 05.09.2008 (Annexure P-9) is also sought whereby his claim for reinstatement on the post of Driver was rejected.

2. From the factual matrix it emerges that the petitioner was appointed as Driver in Haryana Roadways vide appointment letter dated 18.07.2003 (Annexure P-1) on contract basis for driving heavy vehicle for a period of 89 days. However, from the fact that an alleged extension took place after the initial expiry of 89 days from 15.10.2003 to 11.01.2004 (Annexure P-2), it appears that the petitioner was in contractual employment on 07.12.2003, the stated date of accident. It is this very accident which eventually led to non-extension of the petitioner's services since the same were on contract. The respondents initiated departmental inquiry against the petitioner and by way of inquiry report dated 30.12.2004 (Annexure

P-5) he was exonerated of the delinquency alleged against him. Collaterally, in the criminal proceedings arising out of the accident the Trial Court acquitted the petitioner of any criminal culpability vide judgment and order dated 31.07.2008 (Annexure P-8).

3. In the premise, since the very cause of non-extension of services of the petitioner on the contractual post does not survive, it is expected of the respondents that subject to the availability of post and after conducting a fresh driving test of the petitioner, his application for appointment shall be considered in accordance with law.

4. Petition is disposed of, accordingly.

5. Pending civil miscellaneous application, if any, also stands disposed of.

**(ARUN MONGA)**  
**JUDGE**

**November 10, 2022**

*ashish*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No