

124.

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

CWP-3848-2023

Date of Decision: 13.03.2023

DEVENDER SINGH

.... Petitioner

Versus

STATE OF HARYANA AND ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Anant Kataria, DAG Haryana.

Mr. Dushyant Saharan, Advocate,
for respondents No.2 and 3.

JAISHREE THAKUR.J (Oral)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing order dated 13.02.2023 (Annexure P-9) passed by respondent No.2 whereby the services of the petitioner has been dispensed with without adhering to the prescribed procedure for awarding major penalty of termination.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner was offered a post of Lower Division Clerk under ex-gratia scheme and has been working approximately for a period of 25 years since 10.11.1996. It is only now vide letter dated 20.09.2021 that the Executive Engineer, UHBVN, Sonipat sought to get the documents as submitted by the petitioner verified. On receipt of information from the Bihar

School Education Samiti, Patna, show cause notice dated 19.09.2022 Annexure P-7 was issued to the petitioner, which was duly replied to. Petitioner had already been placed under suspension. It is contended that the impugned order of termination has been passed without affording an opportunity of hearing to the petitioner to justify that his educational qualifications, as relied upon, were genuine.

On notice of motion having been issued, appearance has been caused on behalf of the respondents. It is submitted that the impugned order of termination has been passed taking into account the fact that the petitioner herein had got a job based on certificates which are not genuine.

I have heard counsel for the parties and have perused the pleadings of the case.

It is an admitted fact that the petitioner has been working with the Nigam since the year 1996 and it is only recently in the year 2021 that the Nigam thought to verify the date of the birth and the educational qualification of the petitioner and on receipt of information that the documents furnished are not genuine, the Nigam issued a show cause notice which was duly replied to. However, without holding a regular enquiry or giving any due opportunity of hearing to the petitioner, his services have been terminated which is against the rules of natural justice especially Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 and, therefore, this Court has no hesitation in setting aside the order of termination of an employee who has worked with the Nigam for the past 25 years.

Since rules of natural justice have been violated, the instant petition is allowed. The impugned order of termination Annexure P-9 is hereby set aside leaving it open to the Nigam to proceed against the petitioner in accordance with law after dealing with the reply as furnished by the petitioner to the show cause notice.

(JAISHREE THAKUR)
JUDGE

13.03.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No