

2023:PHHC:053808

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

CWP-4076-2023

Date of Decision: 27.03.2023

Rahul Sharma

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manoj Makkar, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

The petitioner seeks quashing of the order dated 01.02.2023 (Annexure P.5), passed by respondent No.3 and the termination order of even date (Annexure P.6) passed by respondent No.4, averring that the services of the petitioners have been terminated illegally, arbitrarily and without following the principles of natural justice.

It is the case of the petitioner that he joined as Engineering Drawing Instructor in ITI Balsamand, District Hisar, on 09.06.2014 on contract basis. Respondent No.4 had issued him a show cause notice dated 21.08.2019, contemplating termination of his services owing to indiscipline. The petitioner submitted reply to the said show cause notice on 27.08.2019. Thereafter, the order dated 12.09.2019 terminating the services of the petitioner, was assailed by the petitioner in CWP-27056-2019. During the pendency of the said petition, the petitioner was reinstated on 06.11.2019. Ultimately, said petition was

disposed of by a Coordinate Bench of this Court on 18.07.2022 granting liberty to the petitioner to file a representation within a period of next seven days and the respondents therein were directed to consider the same and pass an appropriate order with a further direction that the petitioner would continue in service till the decision of his claim.

It is the further case of the petitioner that in compliance with the order dated 18.07.2012 passed by the Coordinate Bench, the petitioner had moved a representation and on the said representation, respondent No.3 passed the order dated 01.02.2023, mentioning therein that the charge of misbehavior with Senior Officers stood proved as per inquiry report dated 04.12.2019. On the basis thereof, respondent No.4 passed the order dated 01.02.2023 terminating the services of the petitioner.

Learned counsel for the petitioner would argue that the impugned orders have been passed without affording any opportunity of hearing to the petitioner. He further submits that even if the petitioner had been working on contract basis, the principles of natural justice demanded that before passing any adverse order against the petitioner, an opportunity of hearing ought to have been given to him. It is further submitted that the departmental inquiry, if any, conducted by the respondents, was at the back of the petitioner and, such on sided proceedings cannot be made the basis for terminating the services of the petitioner.

I have heard the learned counsel for the petitioner and have also gone through the paper book minutely.

It may be noticed that in the Coordinate Bench while passing the order dated 18.07.2022, had noticed the rival contentions of the counsel for the parties. It was also noticed that the service contract under which the petitioner were appointed, had already expired. However, as the learned State counsel had given concession therein to grant the petitioner a liberty to move a representation, praying therein to continue him in service, till the regular incumbent joined, the respondents were directed to consider the said representation of the petitioner and pass an appropriate order. The petitioner was allowed to continue in service till the decision of his claim by the respondents.

Pursuant to and in compliance thereof, the impugned orders had been passed.

While passing the impugned order, respondent No.3 has specifically noticed the misconduct on the part of the petitioner. As reflected in the said order, the petitioner was also granted an opportunity of hearing. The defence of the petitioner is also noticed therein, when he had stated that the fake medical certificate was submitted by him due to lack of the knowledge of the Rules and Regulations of the Department. It was further noticed that the misbehavior on the part of the petitioner stood proved and that his work and conduct was not upto the mark.

The term of contractual employment of the petitioner is already over. The petitioner, by seeking setting aside of the

impugned orders, prays for his reinstatement. Very recently, this Court while deciding CWP-4982-2020 – Ruchi Singla Vs. State of Haryana and others, decided on 28.03.2023, has held that it is settled law that an employee employed on contract basis cannot seek continuation in service as such contract is for a fixed period and automatically stands terminated, after the expiry of the stipulated period.

The directions of the Coordinate Bench that the petitioner will continue to work till the decision of his representation, would of no help to the petitioner, once his very claim has been rejected by respondent No.3 and the term period of the contract is already over.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

27.03.2023
ds

(HARNARESH SINGH GILL)
JUDGE

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