

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

106

2023:PHHC:153609

**RSA-2142-1995 (O&M)
Date of decision: 02.12.2023**

DULI CHAND

..Appellant

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Daryal, Advocate
for the appellant.

Ms. Vibha Tewari, AAG, Haryana
and Mr. J.S. Pannu, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the plaintiff assails the correctness of the judgment and decree passed by the First Appellate Court, which has resulted in dismissal of his suit for grant of decree of declaration that his services have been wrongly dispensed with. In the beginning, the appellant was in the military services. After his discharge from the military services, he was employed as a *chowkidar* on a temporary basis. Subsequently, he was transferred to the District Police. A criminal case was registered. Hence, the government dispensed with the service of the appellant in the year 1984. In the meantime, the aforesaid order was not served on the appellant. He continued in service. In the year 1986, his services were once again dispensed with. He filed a civil suit, which was decreed on the ground that the order dispensing with the services has not been passed by the appointing authority.

2. The First Appellate Court has reversed the judgment and decree passed by the trial Court on the ground that the services of the appellant

were not dispensed with as a punishment and the appellant has no security of service particularly when he was only a temporary employee.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. The learned counsel representing the appellant contends that the services of the appellant were dispensed without following the principles of natural justice. He submits that the appellant was subsequently acquitted in a criminal case and therefore, the order dispensing with his services was not sustainable.

5. On the other hand, the learned counsel representing the State contends that the appellant was employed on a temporary basis and his services were dispensed with not as a matter of punishment. She submits that in absence of service rules giving any protection to the appellant, he was not required to be given any notice.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. Admittedly, the appellant was employed on a temporary basis. The First Appellate Court has examined the document Ex.D-1, dated 19.05.1984, whereby, the services of the appellant were dispensed with, held that the appellant was working on a purely temporary basis and his services could be dispensed with by passing only a simple order. The learned counsel representing the appellant failed to draw the attention of the Court to any perversity in the aforesaid observations.

8. Hence, no ground to interfere is made out.

9. Dismissed accordingly.

10. All the pending miscellaneous applications, if any, are also disposed of.

December 02nd, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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