

121.

2023:PHHC:070606

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

CWP-10627-2023

Date of Decision: 16.05.2023

SANJIT ALIAS SANJIT KUMAR

.... Petitioner

Versus

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND ANR

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunil Kumar Nehra 'Sirsa', Advocate for the petitioner.

JAISHREE THAKUR.J (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking to challenge order dated 18.04.2023 Annexure P-3 whereby the Chief Engineer (Operation), Dakshin Haryana Bijli Vitran Nigam (DHBVN) has addressed a letter regarding taking necessary action against the petitioner and disengagement of his services.

2. It is argued that the petitioner herein joined DHBVN as Assistant Lineman on 01.05.2013 through an outsourcing agency. He was deployed subsequently through Haryana Kaushal Rozgar Nigam Limited on 18.01.2023, but on account of a complaint received through the CM Window, an enquiry was held and there was a recommendation to take action against the petitioner and others. Against the said finding, the petitioner preferred representation considering that there was no provision for filing an appeal. It is submitted that in terms of para 13 of the deployment letter, it was made

clear that in the event of unsatisfactory performance or misconduct by the manpower so deployed, the deployment shall be terminated after giving appropriate opportunity of hearing, which is not done in the instant case.

3. Notice of motion.

4. At this stage, Mr. Anant Kataria, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents. He would point out that the enquiry was held based on a complaint received in the CM Window and the Enquiry Officer concluded that the action needed to be taken against the petitioner and other delinquent persons and it is thereafter that order dated 18.01.2023 was passed.

5. Let adequate number of copies of the writ petition be furnished to the counsel appearing on behalf of the respondents during the course of the day.

6. I have heard learned counsel for the parties and have perused the impugned order whereby a specific direction has been given to disengage the services of the petitioner, however, a reading of the said order would reflect that no opportunity of hearing was given which is necessarily mandated in terms of the deployment letter.

7. Consequently, the impugned order is hereby set aside and an opportunity is given to the petitioner to present himself before the authority concerned who would decide the appeal/representation already pending before it in accordance with law.

8. The petitioner is directed to present before the authority

concerned on 24.05.2023 and any action proposed, would be taken after giving him due opportunity of hearing.

9. The writ petition is disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

16.05.2023

sanjeev

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