

**102 IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH**

CWP No. 23668 of 2014

Date of decision : February 01, 2023

Sony Lal

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. R. K. Dadwal, Advocate
for the petitioner.

Mr. Sehajbir S. Aulaukh, AAG., Punjab.

Pankaj Jain, J (oral).

Present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of certiorari for quashing the order dated 10.01.2014 (Annexure P-3) whereby the petitioner who was working as a conductor on contract basis was relieved on the charges of embezzlement and was black listed for future employment and the security was ordered to be ceased.

Learned counsel for the petitioner submits that petitioner was employed by the respondent-authorities on contractual basis. At the time of employment, he deposited his documents along with security amount of Rs.15,000/-. The contract period was w.e.f. 30.10.2012 to 29.10.2015. However, while posted as conductor the petitioner was being repeatedly held for misappropriation of funds. Finally he

was ordered to be relieved from service vide order dated 10.01.2014.

Learned counsel for the petitioner emphatically argued that black listing of the petitioner will be stigmatic and the same ought not have been inflicted upon the petitioner without affording him an opportunity of hearing.

Per contra, learned counsel for the respondent-State submits that the petitioner was a habitual offender and was repeatedly held for embezzling public money. He was firstly found guilty of embezzlement of Rs. 20 on 19.01.2013 while performing his duty on a bus which was enroute from Chandigarh to Amritsar and he was relieved from duty vide order dated 5.3.2013 but was reinstated and a fine of Rs.2,000/- was imposed upon the petitioner. Again he was found to have embezzled an amount of Rs. 550/- in the present incidence which lead to passing of the impugned order.

He further submits that the petitioner was merely a contractual employee and definitely continuation of contract was subject to his act and conduct. The same having been not only found unsatisfactory but constitute misconduct. No fault can be found with the order dated 10.01.2014 passed by the respondent-authorities.

I have heard learned counsel for the parties and have gone through the record of the case.

The petitioner was in a contractual employment and thus, the authorities are well within their right to relieve him once they found that his act and conduct was not satisfactory. However, black listing of an employee entails future

handicapness and will be stigmatic. Thus, black listing ought to have been resorted only after affording an opportunity of hearing to the petitioner.

In view of the aforesaid facts, the impugned order dated 10.01.2014 (Annexure P-3) is modified to the extent that black listing of the petitioner stands expunged.

Ordered accordingly.

The writ petition stands disposed off.

(PANKAJ JAIN)
JUDGE

February 01, 2023
archana

Whether speaking/reasoned Yes
Whether Reportable No