

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

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CWP No. 18682 of 2023**Date of Decision : 25.08.2023***BALJEET SINGH**..... Petitioner**versus**STATE OF HARYANA & ORS**..... Respondents***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Ketan Antil, Advocate, for the petitioner.

Mr. Ravinder Singh Budhwar, Addl. A.G. Haryana.

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *certiorari* setting aside the order dated 25.07.2023 (Annexure P-7) passed by the respondents, vide which the petitioner's service as a Tubewell Operator has been terminated.

2. Learned counsel for the petitioner contends that the petitioner was working as a part-time Tubewell Operator in the village since 2016. There has never been any complaint against him. On account of party politics in the village, recently a complaint was made against him, that resulted in issuance of show cause notices dated 22.02.2023 and 02.03.2023 (Annexures P-1 and P-2 respectively). To clarify his position, the petitioner went to the office of Block Development and Panchayat Officer, but he was kept waiting outside the office, and was not allowed to give any explanation. Without considering his response, the impugned

order has been passed against the petitioner and other Tubewell Operators in the village. Even the allegation not mentioned in the show cause notices, have been held against the petitioner which could not have been done. The new allegation that he has taken old age pension against instructions of the Government, has been held against him.

3. Notice of motion.

4. Mr. Ravinder Singh, Budhwar, Additional Advocate General, Haryana, accept notice, and does not dispute the fact that the impugned order has been passed on the grounds, regarding which the petitioner was not issued any show cause notice.

5. It is admitted position that the impugned order has been passed *inter alia* on the grounds regarding which the petitioner was not called upon to respond vide any of the show cause notices. Besides, opportunity of hearing was not afforded to him, and the Principles of Natural Justice were violated. The order, therefore, becomes unsustainable in law.

6. In view thereof, the petition is allowed and the impugned order, dated 25.07.2023, is set aside *qua* the petitioner, granting liberty to the respondents to pass a fresh speaking order in accordance with law after hearing the petitioner and considering his response.

(TRIBHUVAN DAHIYA)
JUDGE

25.08.2023

Mahima

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No