

CWP No. 7658 of 2018

2023:PHHC:163530

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CWP No. 7658 of 2018

Date of Decision : 19.12.2023

Dharampal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sourabh Goel, Advocate with
Mr. Tej Bahadur, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Vinod Kumar, Advocate for
Mr. Rajesh Lamba, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 21.11.2017 (Annexure P-8) terminating the services of the petitioner, who was working as a Sweeper with the respondent-Gram Panchayat.

2. Learned counsel for the petitioner submits that there was no complaint against the working of the petitioner but still, in a totally illegal and arbitrary manner, vide impugned order dated 21.11.2017 (Annexure P-8), the services of the petitioner have been terminated without there being any valid justification to hold that the petitioner misconducted while performing the duties.

3. Learned State counsel, on the other hand, submits that starting from January, 2017 petitioner was time and again requested to come to explain as there were complaints against his working, whereas the petitioner chose not to come for explanation even. Learned State counsel further submits that not only the Gram Panchayat but even the BDPO, wrote to the petitioner that there are complaints against the petitioner and the petitioner should come to give his explanation but the petitioner has never come forward for giving any explanation, hence, keeping in view the facts and circumstances that there were complaints against the working of petitioner, the services of the petitioner have been terminated on the ground that the services of the petitioner were not found to be satisfactory.

4. Keeping in view the facts and circumstances mentioned here-in-before, contradictory stand has come before this Court. Once disputed question of facts have been raised, this Court will have no jurisdiction to decide the same in view of settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 2848 of 2021 titled as ***Shubhas Jain Vs. Rajeshwari Shivam and others***, decided on 20.07.2021. The relevant paragraph 26 of the said judgment is as under :-

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

5. Faced with this situation, learned counsel for the petitioner submits that the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to avail appropriate remedy before the Civil Court to prove that his services have been terminated without there being any valid justification.

6. Ordered accordingly.

December 19th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No