

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

229

CWP No. 26154 -2019 (O&M)  
Decided on : 02.11.2023

SAJAN KUMAR

. . .PETITIONER

Versus

STATE OF HARYANA AND OTHERS

. . . RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

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**HARSIMRAN SINGH SETHI , J. (Oral)**

In the present petition, the challenge is to the order terminating the services of the petitioner on the ground that the gradation certificate produced by the petitioner was not valid.

After notice of motion, respondents No. 4 and 5 have filed their reply wherein in paragraph No. 4 it has been mentioned that the gradation certificate dated 18.02.2019 (Annexure P-12) has not been cancelled and remains a valid document for consideration of the claim of the petitioner for the appointment. Learned counsel for the petitioner submits that keeping in view the reply filed, the basis of the termination of service of the petitioner vide order dated 02.09.2019 ( Annexure P-23), no longer exists.

Learned State counsel has not been able to rebut the said contention and concedes the factum that as per the reply filed by respondents No. 4 & 5, the gradation certificate on the basis of which the petitioner was appointed is still valid.

That being so, once the gradation certificate of the petitioner dated 18.02.2019 (Annexure P-12) is a valid document and the same was

taken into account for the grant of appointment to the petitioner, the impugned order terminating the services of the petitioner is held to be bad and the same is accordingly set aside.

The present petition is allowed in the above terms.

It may be noticed that while issuing the notice of motion, the operation of the impugned order had been stayed and the petitioner is continuing his service without interruption and as impugned order of termination has been set aside, now, the petitioner will be allowed to continue in service.

(HARSIMRAN SINGH SETHI)  
JUDGE

02.11.2023

*Riya*

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