

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

103+225

LPA-534-2018 (O&M)

Date of decision:08.08.2023

Executive Engineer Operation Division, UHBVNL & another
... Appellants

Vs.

Gian Singh & others
... Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL.
HON'BLE MRS. JUSTICE SUKHVINDER KAUR.**

Present: Mr. Samarth Sagar Advocate for the appellants.

Mr. J.S. Maanipur, Advocate and
Ms. Harpreet Kaur, Advocate for respondent No.1.

....

DEEPAK SIBAL, J. (ORAL).

1. After respondent no.1 had served the appellant/Nigam on contractual basis for over 12½ years, he filed a petition before this Court seeking therein regularization of his services. On receipt of notice of respondent no.1's petition, the appellant/Nigam, through its order dated 13.08.2015, terminated respondent no.1's services on the ground that respondent no.1 was not performing his duties with sincerity. Respondent no.1 immediately filed an application in his pending petition bringing to the notice of this Court the factum of termination of his services and sought interim stay of such action. A learned Single Judge of this Court, after hearing learned counsel for the parties, admitted respondent no.1's petition for regular hearing and in the meanwhile, as an interim measure, directed the appellant/Nigam to permit respondent no.1 to continue in service.

2. Through the instant inter-court appeal the afore interim

directions given by the learned Single Judge have been assailed.

3. Learned counsel for the appellant/Nigam submits that the learned Single Judge granted interim relief to respondent no.1 with regard to stay of termination of his services even when such prayer had not even been made by him in his petition; through the impugned interim directions the learned Single Judge has virtually allowed respondent no.1's petition and that respondent no.1 being an outsourced employee had no right to get his services regularized in the appellant/Nigam.

4. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

5. Learned counsel for the appellants does not deny the fact that before the passing of the order through which services of respondent no.1 had been terminated, he had served the appellant/Nigam as a driver for over 15 years and that such service was unblemished as also that the said termination order was passed by the appellant/Nigam only after it had received notice of the petition filed by respondent no.1 seeking therein regularization of his services. No record has also either been produced or even referred to by the appellant/Nigam which would show as to on what basis the appellant/Nigam had arrived at the conclusion that respondent no.1 was not sincere in the discharge of his duties requiring termination of his services. The action on the part of the appellant/Nigam to terminate respondent no.1's services is also found to be in violation of the principles of natural justice as prior thereto respondent no.1 was neither served any notice nor granted any opportunity of hearing.

6. Through judgment dated 31.05.2018 a Division Bench of this

Court in **Ashok Kumar Tyagi & another Vs. State of Haryana & others**

set aside the policies made by the State of Haryana with regard to regularization of services of the employees who were serving the State on adhoc/contractual basis. The State of Haryana challenged the said judgment before the Supreme Court in which petitions, through order dated 26.11.2018, the Supreme Court has issued notice and in the meanwhile directed status quo to be maintained with regard to the services of the respondents therein who like respondent no.1, are serving on adhoc/contractual basis and were seeking regularization of their services. The matter is still pending before the Supreme Court. That being so, there is no reason to deny the same benefit to respondent no.1.

7. In the light of the above, the prima facie opinion recorded by the learned Single Judge to grant interim protection to respondent no.1 with regard to stay on the termination of his services during the pendency of his petition through which he seeks regularization of his services warrants no interference.

8. Dismissed.

(DEEPAK SIBAL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

08.08.2023
harjeet

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |