

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

107

CWP-28062-2023

Date of Decision :-14.12.2023

Om Parkash

..Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Dr. Rishi Pal Singh, Advocate for the petitioner.

\* \* \*

**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, challenge is to letter dated 08.12.2023 (Annexure P/2) passed by the respondents.

2. Learned counsel for the petitioner argues that the petitioner was working as Sweeper with the respondent-department but he was not being paid his salary hence, he had approached this Court by way of filing CWP-26866-2023, which writ petition was disposed of by this Court vide order dated 01.12.2023 with the direction to the respondent-department to pass an appropriate order on the representation of the petitioner, wherein he was seeking release of his salary.

3. Learned counsel for the petitioner further argues that letter dated 08.12.2023 (Annexure P/2) is bad in law as the same declines the benefit to the petitioner.

4. It may be noticed that the letter dated 08.12.2023 which is being

termed as order, is intra-department communication between the two officers of the respondent-department. The said letter has been written informing the Deputy Commissioner about the facts, which have come to the notice of the department. A bare perusal of the said letter would show that Gram Panchayat in its special meeting dated 21.11.2023 had passed the resolution by which, services of the petitioner were terminated.

5. Learned counsel for the petitioner submits that the said order was never communicated to the petitioner and that is why in the earlier writ petition filed by the petitioner, no detail of the same was mentioned.

6. Today, during the course of hearing, learned counsel for the petitioner was asked as to whether the petitioner intends to challenge the said resolution dated 21.11.2023 by which, the services of the petitioner has been terminated, learned counsel for the petitioner submits that he has no instructions to challenge the said resolution and appropriate order on the basis of the pleadings already on record be passed by this Court.

7. Keeping in view the facts and circumstances of the present case, qua the grant of salary already a direction has been issued by this Court while passing order in CWP-26886-2023. Further, once the petitioner is not aggrieved against the resolution dated 21.11.2023 by which, his services of the petitioner have been terminated, no direction can be given by this Court with regard to the continuity of the petitioner in service.

8. Learned counsel for the petitioner argues that the order terminating the services of the petitioner is contrary to the instructions issued by the Government, copy of which has been appended as Annexure P/4 with the present petition. Learned counsel for the petitioner submits that the services of a Safai Sewak should not be terminated unless and until there

is any serious complaint or misconduct against the worker concerned.

10. The said argument can only be tested in case there is a challenge to the order/resolution by which, the services of the petitioner have been terminated. Despite giving opportunity, petitioner has chosen not to amend the present petition or file a fresh one to challenge the said order/resolution by which, his services have been terminated. In the absence of any challenge to the termination order, the question whether the said termination of services is contrary to the instructions issued by the Government, cannot be gone into by this Court.

9. Keeping in view the facts and circumstances noticed hereinbefore, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

**December 14, 2023**

*aarti*

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*