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

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CWP-4961-2019 (O&M)

Date of decision: 17.07.2024

Anil Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Rampal Kaushik, Advocate and
Ms. Rajni Bala, Advocate for
Mr. Wazir Singh, Advocate and
Mr. Shokeen Singh, Advocate
for respondent Nos.7 and 8.

AMAN CHAUDHARY, J (Oral)

1. The present petition has been filed for quashing the order dated 18.02.2019, Annexure P-7, vide which services of the petitioner were terminated, as also for directing the respondents to allow him to perform his duties.

2. Learned counsel submits that the petitioner was selected in response to an advertisement issued by the respondents and appointed on the post of Laboratory Technician on contract basis which he joined on 11.02.2002, whereafter worked without any complaint and received many appreciation letters as well. However, after 16 years, his services were terminated on 18.02.2019 by passing a stigmatic order, wherein it was stated that competent authority had found allegations of fraud to be correct. No show cause notice or departmental inquiry was conducted and therefore, this Court vide order dated 25.02.2019, stayed the order of termination by relying on the



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judgment in the case of **Union of Territory of Chandigarh and others vs. Central Administrative Tribunal, Chandigarh Bench and others**¹, wherein it was held that even the services of adhoc/contractual employee cannot be terminated without holding departmental enquiry. It is further submitted that a regular inquiry was conducted against two doctors with whom the petitioner was stated to be operating a private laboratory and vide enquiry report dated 11.03.2022, Annexure P-9, they have been exonerated during the pendency of the present petition.

3. In **Feroz Ahmad Sheikh vs. Union Territory of J&K**², wherein petitioners employed on consolidated/need/contractual/contingency basis, were disengaged on the recommendation of the Anti Corruption Bureau, without affording them an opportunity of hearing, the Court held the said order to be stigmatic and punitive, placing reliance on the judicial pronouncements of Hon'ble the Supreme Court in **Director General of Police and others vs. Mrityunjay Sarkar and others**³ as also **K.C. Joshi vs. Union of India and others**⁴, and emphasised the importance of conducting a proper inquiry before terminating temporary services based on allegations of misconduct.

4. Faced with the above, learned State counsel, on instructions from Mr. Vikas Arya, District Program Manager, Bhiwani, on a Court query, submits that after the interim order was passed in this case, there has been no complaint against the petitioner, however prays that the department may be permitted to proceed against him, if deemed appropriate, by adopting proper procedure.

¹ 2011(1) SCT 777.

² WP(C)-2260-2022, decided on 16.12.2023.

³ (1996) 8 SCC 280.

⁴ (1985) 3 SCC 153.



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5. In view of the aforesaid, the impugned order dated 18.02.2019, Annexure P-7, is hereby set aside, reserving the respondents with liberty as prayed for.

6. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

17.07.2024

ashok

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No