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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5929-2024
Date of decision: 13.03.2024

DEVENDER KUMAR

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sunil K. Nehra, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 31.05.2022 (Annexure P-2) and impugned order dated 01.06.2022 (Annexure P-3), vide which the services of the petitioner were dispensed with on the basis of source report and further to issue a writ in the nature of *mandamus* directing the respondents to reinstate the petitioner in service along with all consequential benefits in view of the inquiry report dated 31.08.2022 (Annexure P-7) submitted by the Deputy Director, Industrial Safety and Health, Gurugram-II.

2. Learned counsel for the petitioner submitted that the petitioner was working as a Data Entry Operator in the office of Haryana Building and Other Construction Workers Welfare Board from the year 2016 and was posted at Rewari and vide Annexure P-2 and Annexure P-3, his services were dispensed

with without any justification. He further submitted that thereafter, the petitioner made a representation to the concerned authorities to at least conduct an inquiry to extract the truth as to whether there was any misconduct or any violation by the petitioner or not, for which an inquiry was conducted by the Deputy Director, Industrial Safety and Health, Gurugram-II and vide Annexure P-7, a report was sent to the Secretary, Haryana Building and Other Construction Welfare Board, Panchkula from which it is clear that nothing has been found against the petitioner in the inquiry, whereas the findings were against one other co-employee, namely, Manoj Kumar, Steno. He also submitted that in this way, although the petitioner was working on contractual basis earlier and his services have been dispensed with but now after the dispensing of the services, a fact has come to light that there was nothing against the petitioner and therefore, the order of dispensing of services was bad in law. At this stage, he has restricted his claim only to the extent that in view of the changed circumstances after the dispensing of the services of the petitioner when an inquiry has been conducted, he may be permitted to move an appropriate application/representation to the respondent No.2-Labour Commissioner-cum-Secretary, Haryana Building and Other Construction Workers Welfare Board, Panchkula for re-considering afresh the orders by which the services of the petitioner were dispensed with in the light of the aforesaid Inquiry Report (Annexure P-7) and appropriate direction may be issued to respondent No.2 to pass an order on the aforesaid application/representation in the light of Inquiry Report (Annexure P-7).

3. Notice of motion.

4. At this stage, Mr. Samarth Sagar, Addl. A.G., Haryana, who is present in the Court, accepts notice on behalf of all the respondents and submitted that since the learned counsel for the petitioner has restricted the scope of the present petition only to the extent of deciding of his application/representation, if any, considering the changed circumstances after the services of the petitioner were dispensed with, he has no objection in case the petitioner files any such application/representation and in the event of doing so, the respondent No.2-Labour Commissioner-cum-Secretary, Haryana Building and Other Construction Workers Welfare Board, Panchkula will pass a well reasoned speaking order in the light of the Inquiry Report (Annexure P-7) within the time frame work as fixed by this Court.

5. I have heard the learned counsel for the parties.

6. During the course of arguments, learned counsel for the petitioner has restricted the scope of the present petition only to the extent of aforesaid changed circumstances, wherein he has sought permission to file application/representation before respondent No.2-Labour Commissioner-cum-Secretary, Haryana Building and Other Construction Workers Welfare Board, Panchkula and has sought a direction to respondent No.2 to consider and decide the aforesaid application/representation.

7. In view of the aforesaid restricted claim made by the learned counsel for the petitioner, permission is granted to the petitioner to make any kind of application/representation to the respondent No.2-Labour Commissioner-cum-Secretary, Haryana Building and Other Construction Workers Welfare Board, Panchkula and in the event of doing so, the respondent No.2 shall consider and decide the aforesaid application/representation after

hearing the petitioner or his counsel and by passing a speaking order, within a period of three months from today and also in the light of aforesaid Inquiry Report (Annexure P-7) or any other relevant factor.

8. Consequently, the present writ petition is disposed of in the aforesaid terms.

13.03.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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