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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-8293-2019
Date of Decision: 13.05.2024

Amrtipal Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.S. Saneta, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

Mr. Rohit Gupta, Advocate for
Mr. Aditya Jain, Advocate,
for respondents No.2 & 3.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of *certiorari* for quashing the impugned order dated 11.03.2019 (Annexure P-8) passed by the respondents whereby the services of the petitioner stands terminated, without issuing any charge-sheet and without holding any enquiry and without granting him any opportunity of hearing with a further prayer in the nature of *mandamus* for directing the respondents to reinstate the petitioner into the service with all consequential benefits.

2. Learned counsel for the petitioner submitted that the petitioner



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was appointed as Sewadar on contractual basis by respondent No.2-Miri Piri Institute of Medical Sciences and Research (Charitable Trust) Shahabad, Haryana on 10.01.2011 vide Annexure P-1 and thereafter, his services were continued by way of extension from time to time and thereafter, vide Annexure P-4, the petitioner was regularized on 07.09.2017 and was also put on one year probation. He further submitted that thereafter, the aforesaid probation period was never extended and vide Annexure P-5, while the petitioner was on probation period, an explanation was called from him on 05.03.2018 with regard to the complaint that he had consumed *Bhang/liquor* on the insistence of some of his colleagues on the day of Holi. Thereafter, the petitioner had filed a reply to the aforesaid explanation vide Annexure P-6 in which he rather stated that if the Institute Committee finds him guilty then he may be forgiven and also assures that he will not repeat the same in future. Thereafter, vide Annexure P-7, the petitioner was placed under suspension on 13.03.2018 and vide impugned order dated 11.03.2019, he was terminated from the service (Annexure P-8). Learned counsel for the petitioner further submitted that no regular enquiry was conducted against the petitioner and therefore, the aforesaid impugned order (Annexure P-8) is liable to be set aside.

3. On the other hand, learned counsel appearing on behalf of the respondents No.2 & 3, while referring to the reply, submitted that the petitioner was on probation period and he under the influence of *Bhang/liquor* entered the hospital along with his 4-5 friends on the day of Holi i.e. on 03.03.2018 and misbehaved with the staff members of the hospital, who were on emergency duty and also damaged the wall of the



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hospital by striking his car. Thereafter, the staff members filed a written complaint against the petitioner and the Institute constituted a Committee to look into the matter, upon which, the Committee sought explanation from the petitioner and the petitioner himself admitted his guilt that he was under the influence of *Bhang/liquor*. He further submitted that the petitioner had also submitted an apology on 16.03.2018. He also submitted that the petitioner was on probation period when the complaint was made against him and there was no order of extension of one year probation and at the time of termination of the petitioner, he was still under probation. He submitted that the aforesaid order of termination is a simpliciter order and not a stigmatic order and therefore, no regular enquiry was required to be conducted in this regard.

4. Learned counsel appearing for respondents No.2 & 3 referred to ***CWP-7492-2001*** titled as “***Mahavir Singh Vs. Shiromani Gurdwara Parbandhak Committee***” which has been dismissed by a Co-ordinate Bench of this Court and even LPA bearing No.640 of 2014 has also been dismissed.

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

6. It is a case where the petitioner was working as Sewadar in respondent No.2-Miri Piri Institute of Medical Sciences and Research (Charitable Trust) Shahabad, District Kurukshetra which is governed by the Shiromani Gurdwara Parbandhak Committee and it is a religious institution. Under the Sikh religion, consuming liquor is prohibited and in case, any employee consumes liquor or Bhang especially when he is on duty, then it is a violation of *Maryada* of Sikh Religion. It was one of the reasons for the



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dismissal of the aforesaid LPA.

7. The petitioner was on probation when the aforesaid order of termination was passed. A perusal of the impugned order dated 11.03.2019 (Annexure P-8) which is an order of termination, would show that the termination was simpliciter and not stigmatic. When an employee is on probation period, then a simpliciter order of termination is passed because of satisfactory work not being done and no regular enquiry was required to be conducted in this regard. Therefore, the plea made by the learned counsel for the petitioner that regular enquiry was required to be conducted is misconceived.

8. In view of the above, the present petition is, hereby, dismissed.

13.05.2024

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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