

2024:PHHC:134119



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.9686 of 2021 (O&M)
Date of decision: 15.10.2024

Manjit Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. S.S. Sodhi, Advocate
for the petitioner.

Mr. Rakesh Roy, Advocate
for Mr. Abhilaksh Gaiind, Advocate
for respondents No.1 to 7 (through video conferencing)

Mr. Chanderdeep Singh, Advocate
for respondent No.8.

NAMIT KUMAR J. (Oral)

Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the impugned order dated 25.03.2021 (Annexure P-6) issued by the Chairman, Internal Enquiry Committee as well as the order dated 26.03.2021 (Annexure P-7) vide which without affording any opportunity of hearing to the petitioner and on the alleged ex parte recommendations of the internal committee, the services of the petitioner have been terminated by respondent No.8 and the letter dated 19.04.2021 (Annexure P-10) without any material or without holding the petitioner as guilty rather the recommendations of

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termination of the petitioner are contrary to the official letter dated 09.04.2021 (Annexure P-9). Further a writ of mandamus has been sought for directing the respondent – authorities to allow the petitioner to work as a Computer Operator and to allow him to perform his duties as the services of the petitioner has not been terminated so far and cannot be terminated without holding the petitioner guilty of any embezzlement or any other act without adopting proper procedure as the petitioner has served the department for more than six years and even the employees appointed through outsourcing are protected as per service rules.

On the last date of hearing i.e. 30.09.2024, the following order was passed:-

*“Learned counsel for the respondents submits that the instant petition is not maintainable as the petitioner was an outsource employee appointed through contractor-respondent No.8. He has placed reliance upon the judgment passed by the Division Bench of this Court in **Nishan Singh and others Versus State of Punjab and others 2014(11) RCR (Civil) 262** and the judgments passed in **Vikash Versus The State of Haryana and others**, bearing **CWP No.19762 of 2018**, decided on **11.12.2019** and **Kailash Chand and others Versus Urban Local Bodies Department, Haryana and others**, bearing **CWP No. 21345 of 2021**, decided on **18.01.2022**.*

Learned counsel appearing on behalf of the petitioner seeks an adjournment on the ground that the arguing counsel is in some personal difficulty.

On his request, adjourned to 15.10.2024.

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To be taken up immediately after the urgent cases.”

After arguing the case for some time, learned counsel for the petitioner wishes to withdraw the present petition with liberty to avail other legal remedies, in accordance with law.

Dismissed as withdrawn with aforesaid liberty.

(NAMIT KUMAR)
JUDGE

15.10.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No