



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(231)

CWP No. 10642 of 2021
Date of Decision : 22.05.2024

Rajuddin

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohammad Arshad, Advocate for the petitioner.
Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 25.02.2021 (Annexure P-9) by which, the services of the petitioner have been terminated.
2. Learned counsel for the petitioner submits that the petitioner was working as a Senior Treatment Supervisor under the National Rural Health Mission on contractual basis. On the said appointment, an allegation came to be made against the petitioner that he was helping the farmers' agitation and had worked against the State due to which, his services cannot be continued and keeping in view a particular secret information received from the Police, the services of the petitioner have been terminated whereas, the actual facts are otherwise.



3. Learned counsel for the petitioner submits that the petitioner was only called by the Duty Magistrate to convince the agitating farmers to stop the agitation and the petitioner never participated in the agitation against the Government and hence, under misconception, the services of the petitioner have been terminated. Learned counsel for the petitioner places reliance upon a letter dated 30.03.2022 (Annexure P-12) written by the Duty Magistrate-cum-Naib Tehsildar Nagina, District Nuh to the Additional Chief Secretary, Health Department, Government of Haryana, Chandigarh stating that the petitioner never participated in the agitation but was only sent by the Government to convince the farmers to leave the agitation. Learned counsel for the petitioner submits that the termination of the services of the petitioner is totally arbitrary and illegal.

4. Learned counsel for the respondents, on the other hand, submits that at once a secret information had been received from the Commissioner, copy of which has been appended as Annexure R-1 dated 11.01.2021, the action taken by the department is perfectly valid based upon the said secret information.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. From the facts narrated here-in-before, it is clear that there are two divergent views of the two different departments qua the participation of the petitioner in the farmers' agitation. It is not clear as to which side is actually projecting the correct picture qua the petitioner.



7. Further, it is a conceded position that while passing the order terminating the services of the petitioner, the letter written by the Duty Magistrate-cum-Naib Tehsildar Nagina, District Nuh to the Additional Chief Secretary, Health Department, Government of Haryana, Chandigarh dated 30.03.2022 (Annexure P-12) has not been taken into account. Once, a particular view qua the petitioner has been expressed by a particular authority, the same needs to be taken into account. Hence, the present petition is disposed of with the direction to the respondents to reconsider the case again in light of letter dated 30.03.2022 (Annexure P-12) and thereafter decide as to whether, the petitioner did any illegal activity so as to constitute misconduct while discharging his duties or not and thereafter, pass a speaking order about the conclusion reached which should be supported by due reasons. Let the speaking order in terms of the present order be passed within a period of 8 weeks of the receipt of copy of this order.

8. Disposed of.

May 22, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No