

2024:PHHC:004760

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

**CM-19922-CWP-2023;
CM-19923-CWP-2023 &
CM-20266-CWP-2023 in/&
CWP-24760-2023 (O&M)
Date of Decision :15.01.2024**

...Petitioner

Versus

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vishal Yadav, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Sahil Gupta, Advocate for respondent No.6.

Mr. Hemant Hans, Advocate for applicant-respondent No.7.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to order of termination of services of the petitioner dated 21.09.2023 (Annexure P-7) while working on the post of Tubewell Operator.

2. Learned counsel for the petitioner submits that in a totally illegal and arbitrary manner without holding any enquiry, services of the petitioner have been terminated by the respondents on the ground that the petitioner misconducted while performing his duties, whereas, the respondents were required to give due opportunity to the petitioner to

defend the complaint against him so that the petitioner could have cross-examined the complainant or any other person, who were aggrieved against the working of the petitioner.

3. Faced with this situation, learned counsel for respondent No.6 submits that impugned order dated 21.09.2023 (Annexure P/7) terminating the services of the petitioner be treated as withdrawn but liberty be given to respondent No.6 to hold an inquiry into the allegations alleged against the petitioner. Learned counsel for respondent No.6 submits that due enquiry will be conducted against the petitioner qua the alleged misconduct and the petitioner will be given due opportunity of defence and keeping in view the outcome of the enquiry so conducted, an appropriate order, if needed, will be passed as required under the facts and circumstances of the present case.

4. Learned counsel for petitioner submits that keeping in view the statement made by learned counsel for respondent No.6, present petition may kindly be disposed of having been not pressed any further.

5. At this stage, learned counsel for the petitioner submits that the petitioner is not being paid salary as well as other allowance.

6. Learned counsel for the respondent No.6 submits that keeping in view the fact that impugned order dated 21.09.2023 (Annexure P/7) terminating the services of the petitioner has been withdrawn, whatever benefit for which the petitioner is found entitled, will be released to him in accordance with law within a period of 08 weeks from the date of receipt of copy of this order.

7. As prayed for, present petition/applications are disposed of

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