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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26338-2023 (O&M)
Date of decision: 23.09.2024

TEJPAL SINGH

...Petitioner(s)

VERSUS

HARYANA BACKWARD CLASSES AND ECONOMICALLY WEAKER
SECTION KALYAN NIGAM AND ORS.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R. K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner.

Mr. Randhir Singh, Advocate for respondents No.1 and 3.

Ms. Dimple Jain, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

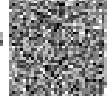
CM-11027-CWP-2024

Prayer in this application is for placing on record the cancellation report as Annexure P-7 and Criminal Court order dated 26.06.2024 as Annexure P-8.

For the reasons mentioned in the application, the same is allowed. The cancellation report as Annexure P-7 and Criminal Court order dated 26.06.2024 as Annexure P-8 are taken on record, subject to all just exceptions.

CM-14240-CWP-2024

Prayer in this application is for placing on record the order of the Additional Sessions Judge, Jagadhri dated 30.07.2024 as Annexure P-9.



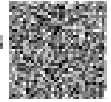
For the reasons mentioned in the application, the same is allowed. The order of the Additional Sessions Judge, Jagadhari dated 30.07.2024 as Annexure P-9 is taken on record, subject to all just exceptions.

CWP-26338-2023

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 26.09.2023 (Annexure P-5), conveyed to the petitioner on 19.11.2023 with a further prayer to reinstate the petitioner with all consequential benefits.

2. Learned Senior Advocate appearing on behalf of the petitioner submitted that it is a case where vide Annexure P-5 dated 26.09.2023, a communication was sent by the Haryana Backward Classes and Economically Weaker Sections Kalyan Nigam to the Haryana Kaushal Rozgar Nigam Limited that since the petitioner is involved in an FIR, his services are no longer required with effect from 12.09.2023. He further submitted while referring to Annexure P-9 dated 30.07.2024 that in the aforesaid FIR, the police filed a cancellation report which was accepted by the learned trial Court and the petitioner has been discharged and now since the petitioner is totally discharged from the criminal case on the basis of cancellation report being accepted by the learned trial Court, he may be reinstated back in service.

3. On the other hand, learned counsel for respondents No.1 and 3 submitted that in the present case the petitioner was on tenure appointment vide Annexure P-2 on the basis of deployment offer letter written by the Haryana Kaushal Rozgar Nigam Limited and the petitioner was working with the

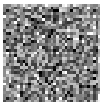


respondents No.1 and 3-Nigam only through Haryana Kaushal Rozgar Nigam Limited and the aforesaid tenure of the petitioner expired on 30.11.2023. He further submitted that in case the petitioner moves any representation/request letter to the respondents No.1 and 3-Nigam, then in consultation with the Haryana Kaushal Rozgar Nigam Limited, respondents No.1 and 3-Nigam can always consider reinstatement of the petitioner on the aforesaid ground that qua the petitioner, cancellation report has already been accepted by the learned trial Court.

4. Learned State counsel while referring to the reply filed on behalf of respondent No.2-Haryana Kaushal Rozgar Nigam Limited submitted that so far as the present petitioner is concerned, his deployment status is still shown to be active on the rolls of Haryana Kaushal Rozgar Nigam Limited and therefore, so far as Haryana Kaushal Rozgar Nigam Limited is concerned, it has no objection in case the aforesaid prayer of the petitioner is considered by respondents No.1 and 3-Nigam.

5. At this stage, learned Senior Advocate appearing on behalf of the petitioner submitted that after the services of the petitioner were dispensed with, even the tenure appointment of some of the other similarly situated persons had also expired but they are still continuing and therefore, the petitioner is at parity with the aforesaid persons.

6. After hearing learned counsels for the parties, this Court is of the considered view that the present writ petition can be disposed of by issuance of certain directions to the respondents. The petitioner shall be at liberty to move any representation/request letter to respondents No.1 and 3-Nigam for the



purpose of his reinstatement through respondent No.2-Haryana Kaushal Rozgar Nigam Limited. In the event of the petitioner moving any aforesaid representation/request letter, the respondents No.1 and 3-Nigam shall consult respondent No.2-Haryana Kaushal Rozgar Nigam Limited by holding a meeting in this regard and thereafter, will take a conscious decision in light of the fact that cancellation report qua the petitioner in the aforesaid FIR has since been accepted by the learned trial Court vide Annexure P-9 and also in light of the fact that some of the similarly situated persons are still continuing in respondents No.1 and 3-Nigam and pass an order in this regard, within a period of four weeks thereafter.

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

23.09.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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