



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

281

CWP-32184-2024

Date of Decision : 12.12.2024

GEETA RANI AND OTHERS

.... PETITIONERS

V/S

CHANDIGARH ADMINISTRATION AND OTHERS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Davinder Lubana, Advocate
for the petitioners.

Mr. Arav Gupta, Advocate for
Mr. Anil Sharma, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of orders dated 27.02.2024 (Annexures P-3 to P-9) whereby respondent has removed them from service.

2. The petitioners claim that they are working with respondents as Aanganwadi workers/helpers for last more than 10 years and respondent has terminated them without issuing notice or granting opportunity of hearing. They have been terminated by simply intimating that they are not complying with their duties.



3. Mr. Arav Gupta, counsel for respondents submits that as per order dated 06.02.2024, any worker may be terminated without issuing notice and granting opportunity of hearing if it is found that there is major fault on his part. The petitioners were found absent from duty and infrastructure facilities were not as per Rules, thus, they were liable to be terminated without notice.

4. I have heard the arguments of counsel for the parties and perused the record.

5. From the perusal of record, it is evident that the petitioners have been terminated by a short and cryptic order. For the ready reference, two orders are hereby reproduced as below :

ANNEXURE P-3

You are hereby terminated from the post of Honorary and Part Time Anganwadi Worker C.No.2, Kishangarh with immediate effect due to non compliance of your duties.

ANNEXURE P-4

You are hereby terminated from the post of Honorary and Part Time Anganwadi Worker C.No.3, Kishangarh with immediate effect due to non compliance of your duties.

6. From the perusal of above-reproduced orders, it is evident that respondent has terminated the petitioners without assigning reason, issuing notice and granting opportunity of hearing. The power to terminate an employee without conducting regular inquiry does not mean that an employee, who is working for a couple of years, can be terminated without complying with principles of natural justice. The respondent has terminated the petitioners in a mechanical manner. The



act of respondent amounts to exercise of power in an arbitrary and whimsical manner. The respondent was bound to issue notice and grant opportunity of hearing before passing impugned order especially when the petitioners were working for last more than 10 years.

7. In the wake of above discussion and findings, the present petition deserved to be allowed and accordingly allowed. This order entitles the petitioners to rejoin, however, respondents by appointing another set of employees has created a mess which was unwarranted. Considering this aspect, the respondents are granted opportunity to issue show cause notice to the petitioners and thereafter pass an appropriate order within one month from today. If the order in the manner as discussed hereinabove is not passed within one month from today, the impugned orders would not remain in force and petitioners would be entitled to be reinstated. It is further made clear that respondent would complete proceedings in true spirit and not in a mechanical manner.

(JAGMOHAN BANSAL)
JUDGE

12.12.2024
anju

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No