



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

CWP-9162-1999 (O&M)
Date of decision: 18.08.2025

Krishan SinglaPetitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Singla, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. M.K. Mittal, Advocate for
Ms. Shashi Prabha Aggarwal, Advocate
for respondents No.3 & 4.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 21.01.1999 (Annexure P-1), whereby, the services of the petitioner have been terminated.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has applied for the post of Project Officer through an advertisement issued on 21.08.1997. The petitioner was selected and appointed as a District Project Officer on 05.11.1997. On 21.01.1999, the service of the petitioner has been terminated without following the procedure prescribed under Rule 8 of the Punjab Civil Services (Punishment and Appeals) Rules, 1970. No show cause notice was ever served upon the petitioner. Further, no intimation has been given to the petitioner with regard to the appointment of the Inquiry Officer. It



is a specific stand of the petitioner that the petitioner has not received the notice dated 11.09.1998. The petitioner has demanded a copy of the said letter by serving a legal notice through UPC on 04.06.1999 but till date, the same has not been supplied. The impugned order dated 21.01.1999 (Annexure P-1) is not sustainable in the eyes of law as the same has been passed in violation of the principles of natural justice. The petitioner has been made a scapegoat as the respondents entertained a belief that the petitioner was instrumental in getting the writ petition filed by his counterpart before this Court impugning the action taken by respondent No.4. The petitioner was pressurized for pressing upon his counterpart to withdraw writ petition bearing CWP No.10236 of 1998. The petitioner applied for leave on 07.09.1998 to 14.09.1998 on medical grounds and later on, the petitioner was arrested on 22.11.1998 in FIR No.170 dated 22.11.1998 under Sections 406/409/468/477-A of IPC and Section 13(1) of Prevention of Corruption Act, 1988 registered at Police Station Muktsar Sahib against the petitioner.

3. Learned counsel for the petitioner further submits that the procedure adopted by respondent No.4 in terminating the service of the petitioner is contrary to the applicable rules. Further, no Inquiry Officer was appointed under Rule 8 (*supra*) neither any inquiry was held nor the petitioner was associated with any employee. Pursuant to the show cause notice dated 08.01.1999 (Annexure P-6), the petitioner submitted his reply on 13.01.1999 (Annexure P-9) in detail and denied all the allegations made against him. The issue raised by the petitioner in the reply has not been considered at all. As such, the impugned order is liable to be set aside.

4. Mr. M.K. Mittal, Advocate for Ms. Shashi Prabha Aggarwal, Advocate appears on behalf of respondents No.3 & 4 and submits that the



petitioner has not approached this Court with clean hands. In the entire writ petition, the petitioner has not disclosed the fact that petitioner had not even completed one year of his service before he was charge sheeted and the petitioner was serving his probation period at that time and further proper procedure was followed and the petitioner was given full opportunity to defend himself. Moreover, the notice dated 11.09.1998 was issued through registered post and an opportunity has been granted to the petitioner, however, the petitioner has not joined the inquiry. As such, the impugned order was passed by following the principles of natural justice. The petitioner has chosen not to participate and respond to the show cause notice dated 11.09.1998. The reply filed by the petitioner (Annexure P-9) has been considered before passing the order dated 21.01.1999 (Annexure P-1).

5. Learned counsel for respondents No.3 & 4 further refers to the vernacular of the Annexures attached with the written statement and submits that admittedly, the petitioner has been served with aforementioned orders including the notice dated 11.09.1998 through registered post and the postal receipts. Further, a public notice was issued in the newspaper on 23.11.1998.

6. Having heard learned counsel for the parties and after perusal of the record of the case, it transpires that the petitioner has not controverted the stand taken by the respondents in the written statement by filing the replication. The deemed service of notice containing charge dated 11.09.1998 is duly established as the same has been done by way of registered A.D. Further, public notice was duly published in Punjabi Newspaper 'Daily Ajit' on 23.11.1998. Further, the acquittal of the petitioner in FIR (*supra*) would not further the cause of the petitioner as the acquittal has been based on the ground that the prosecution has not been able to produce its evidence and the evidence



of the prosecution was closed by order. The petitioner has been served with the show cause notice containing the charge and before passing the impugned order, the petitioner has duly submitted his reply.

7. Further, it is discernible from the record that the petitioner was appointed as Project Officer on 05.11.1997 and he was served with charge sheet on 11.09.1998. The petitioner had absented from his duty and his leave (Annexure R-4/1) was rejected and he was asked to join the duty immediately, however, the petitioner continued to remain absent. The Additional Deputy Commissioner was appointed the Inquiry Officer. The initial notice containing the charge against the petitioner was duly served on 11.09.1998 (Annexure R-4/2). The order passed by respondent No.4 is also on record as Annexure R-4/3. The direction dated 11.09.1998 to immediately join duty is available on record as Annexure R-4/4, 16.10.1998 (Annexure R-4/5) and 17.10.1998 (Annexure R-4/6) as communicated to the petitioner. On 12.11.1998, the petitioner was asked to submit the utilisation certificate of the fund utilised by him under the Scheme during the year 1997-98 (Annexure R-4/7). All these communications were sent to the petitioner through Registered Post. The written statement on behalf of respondents No.3 & 4 has specifically taken these grounds to controvert the stand taken by the petitioner.

8. Furthermore, a writ petition bearing CWP No.10236-1998, was filed by the colleague of the petitioner which was dismissed and the operative part is reproduced as under:-

'...4. Learned counsel for the petitioner submits that in fact no notice was given before terminating the services of the petitioner, therefore, order passed by the respondent on 30.06.1998 (Annexure P- 2) was in violation of principle of natural justice. As such, the impugned order dated 30.06.1998 (Annexure P-2) is liable to be set aside.



5. *Learned counsel for respondent No.2 submits that the services of the petitioner were not terminated on the basis of any misconduct. In fact, the petitioner was employed under a project/scheme. As there was a financial constraint, taking into consideration the requirement of the posts, some employees were terminated from service and some were retained in service. He further submits that once there was no dispute in regard to the fact that the project/scheme under which the petitioner was appointed was running in losses, then the respondent had no option but to terminate the services of the petitioner which is legal and valid.*

6. *I have heard learned counsel for the petitioner at some length and perused the paper-book.*

5. *It is well settled law that an employee who is employed under a project/scheme, his/her services can be terminated taking into consideration the financial constraint. There is no vested right in the case of employees employed/appointed under the project/scheme. It is also not been disputed by learned counsel for the petitioner that he was appointed under project/scheme and the project/scheme under which the petitioner was appointed was running in losses. It is also not a case of petitioner that juniors to petitioner were retained in service.*

6. *Taking into consideration the facts of the case, this Court finds no infirmity in the impugned order dated 30.06.1998 (Annexure P-2) and accordingly the present writ petition is dismissed...'*

9. In view of the discussion above, learned counsel for the petitioner could not pointed out any perversity in the impugned order and thus, the present writ petition is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

18.08.2025

Neha

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