



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

116+276

CWP-11324-2024 (O & M)
Date of Decision: 17.02.2025

Balvinder

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Bikram Chaudhary, Advocate,
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Samarth Sagar, Advocate,
for respondent Nos.6 to 8.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of order dated 02.05.2024 (Annexure P-17) whereby his services were terminated as Helper, Municipal Council, Kaithal.

2. On 29.07.2024, the following order was passed:-

“Learned counsel for the petitioner submitted that the petitioner was working on outsource basis and a show-cause notice was issued to him vide Annexure P-10 by the Municipal Council, Kaithal by alleging misconduct and his services were terminated by the Municipal Council vide Annexure P-17 without holding any enquiry. He further submitted that as per the Policy (Annexure P-9), it



has been so provided vide Clause 5.8 that in such like situation, the competent authority to take punitive action is the Nigam i.e. Haryana Kaushal Rozgar Nigam Ltd. whereas the show-cause notice and the termination order was passed by the Municipal Council which was without jurisdiction.

Mr. Sunil Kumar, Advocate has appeared on behalf of Mr. Samarth Sagar, learned counsel for respondents No.6 to 8 and submitted that the matter may be adjourned as the arguing counsel is not available today.

On 16.05.2024, when notice of motion was issued by this Court, notice re: stay was also issued.

In view of the aforesaid facts and circumstances and after hearing the learned counsel for the petitioner, it is directed that till the next date of hearing, the operation of the impugned order (Annexure P-17) shall remain stayed.

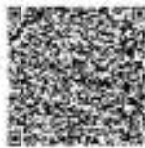
Adjourned to 05.11.2024.

3. Mr. Samarth Sagar, learned counsel for respondent Nos.6 to 8 expresses his inability to controvert the fact that as per policy, it was Haryana Kaushal Rozgar Nigam Ltd. (in short 'HKRNL') who could terminate services of petitioner. He submits that claim of petitioner with respect to inadvertent removal of his name from the portal would be considered in accordance with law.

4. The petitioner is claiming that he is still working with Municipal Council, Kaithal.

5. The petitioner cannot be denied his salary. There seems some communication or unintentional error on the part of two organizations i.e.

Municipal Council, Kaithal and HKRNL.



6. In the wake of statement of both sides, instant petition stands disposed of with direction to HKRNL to consider claim of petitioner and in the meantime, salary of petitioner be released within two weeks from today. It is made clear that till the date of passing order by HKRNL, petitioner shall not be relieved.

7. Pending applications also stand disposed of.

17.02.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No