

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

2025:PHHC:080281



(222) CWP-14782-2021

Date of Decision: 07.07.2025

Seema Rani

--Petitioner

Versus

State of Haryana & others

--Respondents

2. CWP-19497-2021

Jitender Rana

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present:-

Mr. Dinesh Kumar, Advocate for petitioner
in CWP-14782-2021.

Mr. Vikas Kuthiala, Advocate for petitioner
in CWP-19497-2021 (through V.C.).

Mr. Rahul Dev, Addl. A.G., Haryana.

VINOD S. BHARDWAJ.J (Oral)

Involving common questions of law and facts, both these writ petitions are being disposed of by this common order. For the sake of brevity, facts are being extracted from **CWP-14782-2021** titled as '**Seema Rani Vs. State of Haryana & others**'.

2. Challenge in these writ petitions is to the order dated 18.12.2020 (Annexure P-10), whereby petitioners have been relieved from service as Computer Operators with immediate effect in compliance to the Order No.3533-E5-2020, 18035 and 8036 dated 09.11.2020 and reminder letter no.3533 Estt.5-2020 dated 09.11.2020, passed by the Financial Commissioner and Additional Chief Secretary, Haryana Government

Revenue and Disaster Management Department.

3. The undisputed facts, as they emerge, are that the petitioners were appointed as Computer Operators by the District Information Technology Society, Sonipat (hereinafter referred to as DITS) on 01.03.2007 by adopting due procedure and after considering all the eligible candidates who had applied for the said post. The petitioners discharged their functions meticulously and without any complaint against the post where they were deputed. One Sanjay Badwasania is, however, stated to have made some complaint against ongoing corruption in the registration of documents and mutations etc. A preliminary inquiry was, thus, conducted into the allegations by the District Revenue Officer, Sonipat. The preliminary fact finding inquiry report dated 07.08.2020 was submitted by the D.R.O., wherein Balwan Singh, the then Naib Tehsildar, Sonipat was found to be in breach of rules and of irresponsible behavior in discharge of his duties and recommendations were made to initiate disciplinary action against him. The Deputy Commissioner, Sonipat forwarded the said report dated 07.08.2020 to the Financial Commissioner and Additional Chief Secretary, Haryana Govt. Revenue and Disaster Management Department, whereupon the communication dated 09.11.2020 was issued to initiate disciplinary proceedings against the Tehsildar and Naib Tehsildar under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 2016 (hereinafter referred as 2016 Rules). It was also directed in the above order that the Patwaris in the Department be placed under suspension and the Computer Operators be removed from service immediately. A reminder to the said communication dated 09.11.2020 was also issued and in compliance with the same, the impugned order of relieving the petitioners

was passed.

4. Learned counsel appearing on behalf of the petitioners vehemently contends that the order of removing the petitioners has been passed in an illegal, arbitrary manner and without affording an opportunity of hearing to them or conducting any inquiry into the alleged misconduct/deficiency, if any, on the part of the petitioners. It is submitted that as per rule and responsibility assigned to a Computer Operator, they were only required to issue tokens, feed the entry and click photographs. It is submitted that so far as the petitioner Seema is concerned, the role assigned to her was only to click the photographs while the role assigned to petitioner Jitender Rana was to issue tokens. There was thus, no occasion for the petitioners to have indulged in any irregularity/non-adherence to the rules and regulations in registration of the documents. It is also pointed out by the counsel that the Divisional Commissioner, Rohtak had also conducted a departmental inquiry into registration of deeds and had submitted his report bearing letter No.DA/6872 dated 29.12.2020 specifically recording a finding in favour of the Computer Operators. The relevant extract thereof is reproduced hereunder:-

“(iii) As regards the role of registration clerks and computer operators, since the Registering Officers are personally responsible for any irregularity regarding registration of deeds, therefore, there does not appear any involvement of these officials in violation of the said provisions of the Act.”

5. It is submitted that notwithstanding, the specific finding recorded in favour of the petitioners to the effect that they were not involved in any irregularity regarding registration of the documents and there was no involvement on their part in registration of the documents, yet, the

impugned orders had been passed.

6. Learned counsel for the petitioners have placed reliance on the judgement(s) of the Hon'ble Supreme Court and High Courts, which emphasize on the need for adherence to the principles of natural justice and of affording an opportunity of hearing to a person against whom any order is passed or proceedings have been initiated. One such judgment relied by the petitioners is **State of Orissa Vs. Dr. (Ms.) Binapani Dei 1967 (SLR) 465 SC**, wherein the observations recorded by Hon'ble Supreme Court are as under:-

“But the decision of the State could be based upon the result of an inquiry in manner consonant with the basic concept of justice. An order by the State to the prejudice of a person in derogation of his vested rights may be made only in accordance with the basic rules of justice and fair play. The deciding authority, it is true, is not in the position of a Judge called upon to decide an action between contesting parties, and strict compliance with the forms of judicial procedure may not be insisted upon. He is, however, under a duty to give the person against whom an enquiry is held an opportunity to set up his version or defence and an opportunity to correct or to controvert any evidence in the possession of the authority which is sought to be relied upon to his prejudice. For that purpose the person against whom an enquiry is held must be informed of the case he is called upon to meet, the evidence in support thereof. The rule that a party to whose prejudice an order is intended to be passed is entitled to a hearing applies alike to judicial tribunals and bodies of persons invested with authority to adjudicate upon matters involving civil consequences. It is one of the fundamental rules of our Constitutional set up that every citizen is protected against exercise of arbitrary authority by the State or its officers Duty to act judicially would therefore arise from the very nature of

the function intended to be performed, it need not be shown to be super-added. If there is power to decide and determine to the prejudice of a person, duty to act judicially is implicit in the exercise of such power. If the essentials of justice be ignored and an order to the prejudice of a person is made, the order is a nullity. That is a basic concept of the rule of law and importance thereof transcends the significance of a decision in any particular case.”

It is, thus, contended that the impugned order relieving the petitioners from duty be set aside and they be reinstated in service.

7. It has also been argued by learned counsel for petitioners that the disciplinary proceedings initiated under Rule 7 of the 2016 Rules against the then Tehsildar as well as Naib Tehsildar have since been finalized and the charges against the Sub Registrar having not been proved, the said proceedings had thus been dropped. It is, thus, argued that as none of the allegations were established even against the Sub Registrar who were responsible for compliance and against whom complaints were made, hence, the order of relieving the petitioners from service is disproportionately harsh and punitive and is being enforced despite them not being at fault.

8. Learned counsel for the petitioners further contends that no regular appointment of Data Entry Operator or Computer Operator has been made in place of the petitioners and that the said post(s) is/are still being manned by a contractual arrangement.

9. Learned State counsel, on the other hand, submits that there were complaints received with respect to commission of irregularities in the work of registration of documents and that disciplinary proceedings under Rule 7 of Rules of 2016 were initiated against the petitioner, who were working in collusion with the Sub Registrars. After a preliminary report

had been received from the D.R.O. indicating the involvement of the officials, the directions were issued by the Financial Commissioner and Additional Chief Secretary, Haryana Govt. Revenue and Disaster Management Department to relieve the petitioners, who were contractual employees. He contends that as per terms and conditions of the letter of appointment, they could be removed from service at any point of time without any prior notice and since in the present case there were allegations of misconduct on the part of the petitioners, who were contractual employees, hence, relieving them from service, cannot be said to be illegal or arbitrary. The order of relieving the petitioners is in accordance with the terms and conditions incorporated in the letter of appointment and hence is done as per the due process of law.

10. I have heard learned counsel appearing on behalf of the parties and gone through the relevant documents on record.

11. The factual aspects that have gone uncontroverted are as under:-

(i) That in the inquiry report that was submitted by the Divisional Commissioner, Rohtak, the Computer Operators were exonerated and no irregularity or malpractice was reported to have been committed by the said officials. It is also established that the Computer Operators had no role in registration of documents apart from the ministerial job required to be performed by them.

(ii) That no opportunity or show cause notice was served upon the petitioners before direction was issued to remove them.

(iii) That the role assigned to the Computer Operators was only of issuing the tokens, feeding the entry and/or clicking the photograph as per

the table and no further role or responsibility assigned to them. There is nothing on record which may indicate the manner in which any illegality or irregularity was committed by them or any illegal act or omission attributed to them. The order is thus conjectural and passed on unestablished assumptions.

(iv) The specific assertion of the petitioners that the proceedings initiated under Rule 7 of the Rules of 2016 against the then Tehsildar as well as Naib Tehsildar already stands dropped and the allegations could not be established, remains undisputed. Hence, once charges against the main accused have not been established, no fault can be assumed against petitioners.

11. The petitioners continued to discharge their duties from 2007 to 2020 without any complaint and that except for the aforesaid solitary instance of complaint, which is not established or proved against the petitioner, no other misconduct was ever reported and the petitioners were never found to be deficient in the performance of their duties and responsibilities.

12. It is also undisputed that no inquiry specifically with respect to acts of omission or commission by petitioners was ever conducted and no opportunity of hearing or defence was extended to the petitioners. The order of removal was unilateral dictat entailing extreme consequence.

13. I find that the action of the respondents in directing the petitioners to be relieved from service, was issued without conducting any inquiry into the role, responsibility or the obligations of the petitioners and ascertaining any lapse on their part. They have been ordered to be removed solely on the ground that some complaint and prima facie irregularity was

reported against the Sub Registrars i.e. the then Tehsildar and Naib Tehsildar and that the report in no manner, indicted the petitioners of any misconduct.

14. Since even the charged Sub Registrar/Registrar stand exonerated in the departmental proceedings, hence, I find it difficult to hold that notwithstanding the proceedings having been dropped against the Registrar/Sub Registrar, any charge/allegations would continue to exist against the petitioners. Consequently, the impugned order dated 18.12.2020 (Annexure P-10) relieving the petitioners from service, is set aside.

15. In view of the specific stand of the petitioners that no regular appointment has been made to the post of Computer Operator and the post held by them is still being manned through a contractual engagement, the respondents are directed to reinstate the petitioners against the posts held by them.

16. Let the needful be done within a period of two months from the date of receipt of a certified copy of this order.

17. Both the petitions are allowed in the aforesaid terms.

(VINOD S. BHARDWAJ)
JUDGE

07.07.2025

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