



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

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CWP-12872-2024 (O&M)

Date of Decision: 03.09.2025

Union Territory of Chandigarh and another**....Petitioners****Versus****Narinder Singh and another****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Madhu Dayal, Senior Standing Counsel with
Ms. Aashna Gill, Advocate for the petitioners – U.T.

Mr. Mayank Garg, Advocate for respondent No.1.

Harsimran Singh Sethi, J. (Oral)

1. The learned counsel for the petitioners has placed on record the affidavit of Inspector Rohit Kumar, 988/CHG, SHO Police Station Sector-17, Chandigarh, along with Annexures A-1 to A-3, which is taken on record in terms of order dated 12.05.2025.

2. In the present petition, the challenge is to the order dated 21.03.2024 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench (hereinafter for short to be referred as “the Tribunal”), by which, the claim of respondent No.1 has been allowed and certain directions have been given to the Chandigarh Administration to firstly, re-appoint respondent No.1 on the post of Peon second, to regularize his post and third, to grant him notional benefits for purpose of determining his seniority as well as other entitlements.



3. The operation of the impugned judgment was stayed on 28.05.2024, while issuing notice of motion.

4. Learned counsel appearing on behalf of the petitioners argues that respondent No.1 was appointed on the post of Peon on temporary basis for a particular period time and when the said terms came to an end, he was relieved from service. Learned counsel for the petitioners further submits that no other person has been appointed to said post of Peon either on contractual basis or through outsourcing by petitioner after dispensing the services of respondent No.1 and therefore, it is not a case where the services of respondent No.1 has been dispensed with so as to appoint another person on the same terms and conditions so as to violate the certain principle of law.

5. Learned counsel for the petitioners further submits that once no other person one has been appointed on the said post, giving direction to petitioner to re-appoint respondent No.1 on the post of Peon while regularizing the same and that too by ignoring that in the integrum, the said post of Peon stood abolished, the impugned order passed by the Tribunal is perverse on the facts on record as well as settled principle of law.

6. Learned counsel for the petitioners further submits that even the antecedents of respondent No.1 are not upto the mark as, an FIR has been registered against him upon the allegation of asking for money to get government employment and he has remained behind bars for a certain period of time qua said allegation hence, under these circumstances, allowing such candidate to re-join the service, will create problem for the Chandigarh Administration and therefore, the order dated 21.03.2024 (Annexure P-1) passed by the Tribunal may kindly be set aside.



7. Learned counsel appearing on behalf of respondent No.1 submits that though, there is an allegation alleged against respondent No.1, as being contended by learned counsel for the petitioners but, the said allegation alleged against him is yet to be proved as the trial has not concluded yet. Learned counsel for respondent No.1 further submits that keeping in view the fact that the petitioners intended to fill up the said post of Peon through outsourcing, even if the same has not been filled up yet, the intention of the petitioners was to fill up the said post and therefore, the order dated 21.03.2024 (Annexure P-1) passed by the Tribunal is perfectly valid and legal and the same may kindly be upheld.

8. We have heard learned counsel for the parties and have gone through the record with their able assistance.

9. As per the settled principle of law, if an employee is working on a temporary basis or even on contractual basis, he/she cannot be replaced by his/her employer with another person on the same terms and conditions. In the present case, it is a categorical fact which has been placed before this Court, which has gone un rebutted at the hands of respondent that the post against which respondent No.1 was working i.e. Peon, has never been filled up till now after relieving the respondent No.1 from the service. It shall also be noted that no one, who has been appointed in place of respondent No.1 has been brought on record, which clearly shows that the assertion of the petitioners that the post of Peon after relieving respondent No.1 has not been filled up and rather the same has been abolished, has to be accepted as the same has gone un rebutted at hands of respondent.

10. Further, the antecedents of respondent No.1 are also to be looked

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into. It is a conceded fact that there is an FIR registered in respect of an allegation that he has taken money from certain person as a bribe to get the government job. Hence, without considering the said aspect, the Tribunal has granted the direction in favour of respondent No.1 to re-appoint him. This direction cannot be accepted keeping in view of the fact that there is no post existing and further, a person with the tainted antecedents, cannot be directed to be re-appointed.

11. Keeping in view the totality of the circumstances as the order dated 21.03.2024 (Annexure P-1) has been passed by the Tribunal without considering the actual facts including the abolition of post as well as that respondent No.1 has not been replaced by any other employee, the said order is to be treated as perverse against the facts as well as the law and cannot be sustained and is accordingly set aside. The present petition is accordingly allowed.

12. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 03, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No