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

**CM-6756-LPA-2025 in/and
LPA-1295-2018 (O&M)**

Date of Decision: 8th of September, 2025

ANUJ

.....***Appellant(s)***

V/s.

STATE OF HARYANA AND OTHERS

.....***Respondent(s)***

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Mr. Dhiraj Chawla, Advocate for the applicant-appellant.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-6756-LPA-2025

This application is filed by the appellant for fixing the actual date of hearing in LPA-1295-2018 which is on the regular board of this Court.

For the reasons assigned in the application, the same is allowed and the main Appeal is taken on board today itself.

LPA-1295-2018 (O&M)

1. This appeal challenges the order dated 17.07.2018 passed by the learned Single Bench in CWP-10574-2016, whereby the writ petition was partly allowed, and the termination order of the appellant was set aside only to the extent of the stigma attached to him.

2. The brief facts of this case are that the appellant was appointed as Dental Technician with B.P.S. Government Medical College for Women, Khanpur Kalan, District Sonapat vide appointment letter dated 12.11.2012. He joined the duties on 15.11.2012. Vide the appointment letter, the

appellant was placed on probation for two years. The probation period of the appellant was extended by further one year.

3. The show cause notice was issued to the appellant levelling various misconduct attributed to him. The appellant objected to the allegations whereafter the impugned order dated 14.11.2015 came to be passed by the department, holding the services of the appellant to be not satisfactory and as the appellant was alleged to be consuming substances during the probation period, as such, it was not desirable to retain him in service. This is the order which was challenged by the appellant in the Writ Petition before the learned Single Bench.

4. Learned Single Bench though allowed the Writ Petition by expunging the stigma recorded in the order impugned, but refused to interfere with the termination. Thus, aggrieved, the appellant is before this Court in Appeal.

5. Learned counsel for the appellant places reliance upon the judgments of the Hon'ble Supreme Court in **Union of India** Vs. **Mahaveer C. Singhvi**; 2010(8) SCC 220 and **Dr. Vijayakumaran C.P.V.** Vs. **Central University of Kerala and Others**; 2020 (12) SCC 426, to submit that even in case of probation, if the termination is on specific charges, the employer would be required to conduct an enquiry and that a stigmatic order otherwise cannot be sustained. It is also submitted that the satisfaction with regard to unsatisfactory work or the charges of misconduct having been proved, would have to be of the disciplinary authority and learned Single Bench has erred in recording his own satisfaction so as to expunge the stigma. It is submitted that notwithstanding order of the learned Single

Bench, the stigma would continue to remain as the termination order has not been interfered with.

6. Learned counsel for the appellant submits that the satisfaction of the disciplinary authority with regard to suitability of the probationer to be appointed against the post cannot be substituted with that of the learned Single Bench.

7. Learned State counsel opposes the Appeal on the ground that the appellant had himself admitted the charges leveled against him.

8. So far as the principles of law are concerned, there is no denial of the fact that where the order of termination is stigmatic, disciplinary enquiry would be required to be conducted by the employer against the probationer. Law in this regard has been settled right from the judgment of the Hon'ble Supreme Court **Parshotam Lal Dhingra. Vs. Union Of India;** AIR 1958 SC 36.

9. However, in the facts of the case, we find that the appellant was issued a show cause notice in which allegations were made of continuous absence for long period and also consumption of substances while on duty. Though the show cause notice was initially denied, but there exists a letter dated 20.06.2013 of appellant, on record, in which he admits of bad company on account of which he has fallen sick. The appellant admitted that he remained absent from duty for various reasons and was now getting treatment. This letter of the appellant has also been endorsed by his father. The subsequent letter of the appellant dated 13.03.2014 on record admits that he had remained absent for long and had submitted his apology. In such circumstances, the allegations with regard to the consumption of

substances while on duty as well as unauthorized absence for long, are admitted on part of the appellant. Once that be so, the decision of the employer with regard to the appellant was not suitable for appointment, cannot be said to be perverse or arbitrary.

10. In such view of the matter, learned Single Bench has not erred in expunging the stigma imposed upon the appellant contained in the order dated 14.11.2015. We further clarify that the termination of the appellant shall not be treated as stigmatic.

11. It shall be open for the appellant to apply for appointment elsewhere and his case shall not be overlooked only on account of the order dated 14.11.2015.

12. The Appeal stands **disposed of** in the aforesaid terms.

13. All pending applications, if any, in this case are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

September 8, 2025

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>