



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

109

CWP-24118-2025 (O&M)
Date of decision: 15.12.2025

Chhabilla

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sube S. Kausik, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Addl. A.G., Haryana.

Mr. Jagjeet Beniwal, Advocate
for respondent No.3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned Agenda No.11 dated 31.03.2025 (Annexure P-9) and impugned letter dated 31.03.2025 (Annexure P-10) whereby the respondent/Bank has removed the petitioner from service without following the principle of natural justice and without assigning any reason, and in violation of the Haryana Contractual Employees (Security of Service) Ordinance, 2024 and for quashing the impugned order dated 14.07.2025 (Annexure P-13) whereby the application under Section 27 of the Haryana Cooperative Societies Act, 1984 has been dismissed by respondent No.6 for rescinding the agenda No.11 whereby the petitioner has been removed from service. Further a writ of



mandamus has been sought, directing the respondents to reinstate the petitioner as a Driver with full continuity of service and all consequential benefits till he attains the age of superannuation in terms of Haryana Contractual Employees (Security of Service) Ordinance, 2024 and Policy of 2022 and to reinstate the petitioner back in service, whose contractual service has been dispensed with w.e.f. 29.03.2025, by the respondents.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was initially appointed as a Driver on 09.10.2017 through outsourcing and was later re-deployed through Haryana Kaushal Rozgar Nigam Limited (HKRNL) and has rendered more than 08 years of continuous service. The petitioner became entitled to protection under the Haryana Contractual Employees Ordinance, 2024, which safeguards the contractual employees engaged before 15.08.2019 and having 05 years of service from termination until attaining the age of superannuation. On 31.03.2025, the respondent No.3 issued a letter relieving the petitioner from his service. Aggrieved by the same, the petitioner submitted a representation before the Deputy Registrar, Cooperative Societies, Rohtak, who rejected the same. The petitioner has been removed from service on account of appointing a new Driver, namely Krishan son of Krishan, who is the son of Vice Chairman of the Society. He further submits that the petitioner has been removed from service in violation of Deployment of Contractual Persons Policy, 2022



(Annexure P-4) and the Haryana Contractual Employees (Security of Service) Ordinance, 2024.

3. Learned counsel for respondent No.3 submits that the petitioner was removed from service solely on account of administrative exigency as there was no vehicle available with respondent No.3/Bank for which the services of a Driver were required. It is contended that the petitioner was engaged purely on contractual basis and, therefore, his services could be dispensed with in accordance with the terms of engagement. Learned counsel for respondent No.3 further submits that disengagement of the petitioner was not punitive in nature and did not cast any stigma and, therefore, there was no requirement to issue any show cause notice or to afford any opportunity of hearing to the petitioner. It is further submitted that the respondent/Bank has acted within its administrative domain and no illegality or arbitrariness can be attributed to the impugned action of the respondents.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that on 30.06.2022, the Government of Haryana, Human Resources Department, has framed a policy i.e. Deployment of Contractual Persons Policy, 2022, for the purpose of deployment of contractual manpower through the Haryana Kaushal Rozgar Nigam Limited (HKRNL). The Deployment of Contractual Persons Policy, 2022 provides a detailed mechanism and defines the various modes and manners for the utilization of the contractual manpower. There is no denial to the fact that the petitioner has served



the respondent/Nigam for more than 08 years. Clause 5.8 of the Deployment of Contractual Persons Policy, 2022, provides for performance monitoring of contractual manpower, which reads as follows:-

5.8 Performance monitoring of contractual manpower:

The Indenting Organisation will undertake performance appraisal and keep monthly attendance record of each deployed manpower. The performance and attendance details shall be uploaded to the Nigam web-portal. The services rendered by the manpower deployed by the Nigam shall be under the close supervision of the respective Indenting Organisation. In case of negligence of duties and misconduct, an intimation in this regard shall invariably be made by the Indenting Organisation/Immediate Employer to the Nigam through the web-portal. In such cases, the Nigam shall be competent to take punitive action against the deployed person or to remove him before completion of the term of deployment, after serving a show cause notice.

5. Respondent No.4/HKRNL has issued Instructions dated 01.08.2024 vide letter/Memo No.HKRN/6466 dated 01.08.2024, regarding the process flow for termination of candidates deployed under HKRNL. The operative part of the said Instructions, reads as under:-

Process Flow for Termination of Candidate:

Reporting Misconduct:

If a candidate engages in misconduct or behaves in a manner contrary to organizational requirements, the DDO or complainant will complete the complaint form available on the portal.



Submission of Complaint:

The completed complaint form will be submitted through the designated HKRNL portal.

Issuance of Show Cause Notice:

HRNL will issue a show cause notice to the candidate within 5 working days of receiving the complaint.

Candidate's Response:

The candidate must provide a response to the show cause notice within 3 working days of receipt.

Personal Hearing:

A personal hearing will be scheduled at HKRNL in front of the committee upon receiving the candidate's response. The hearing has to be conducted within 3 days of receiving the candidate's response.

The complainant is required to attend the meeting in person or online.

Both the candidate and the complainant have the option to join the meeting online if unable to attend in person.

HKRNL Committee Review:

The committee, with representation of indenting department and from HKRNL Team will review all evidence, including the complaint, response, and statements provided during the personal hearing.

Decision Making:

Based on the committee's review and recommendation, a decision regarding termination will be made. The committee has to give the decision within 3 days of conducting the hearing.

Notification:

The candidate will receive written notification of the decision regarding termination.

Implementation:



If termination is decided, it will be executed on the portal once approval on file taken by CEO HKRNL.

Documentation:

All actions taken, including complaints, responses, meeting minutes, and decisions, will be appropriately documented for record-keeping purposes.

6. The aforesaid Instructions dated 01.08.2024 clearly provide a mandatory and well-defined procedure for termination of candidates deployed through HKRNL. The said Instructions require reporting of misconduct, issuance of a show cause notice, grant of opportunity to submit a reply, personal hearing before a duly constituted committee and a reasoned decision thereafter. Admittedly, in the present case, no complaint of misconduct or negligence has been filed against the petitioner nor any show cause notice was issued nor any opportunity of personal hearing was afforded to him before dispensing with his services. Thus, the action of respondent No.3 in removing the petitioner from service is in complete violation of the Instructions dated 01.08.2024, the Deployment of Contractual Persons Policy, 2022 and the principles of natural justice.

7. Further, Section 7 of the Haryana Contractual Employees (Security of Service) Ordinance, 2024, provides that in the matters relating to discipline, penalties, appeals and other matters not specifically provided under this Ordinance, an eligible contractual employee shall be governed by such rules, as may be prescribed.

8. On 05.08.2025, the Government of Haryana notified the Haryana Contractual Employees (Security of Service) Rules, 2025 and



Rule 13 of the same provides that in the matter relating to discipline, penalties and appeals, every secured employee shall be governed by the Haryana Civil Services (Government Employees’ Conduct) Rules, 2016 and the Haryana Civil Services (Punishment and Appeal) Rules, 2016, till the time a separate rules are framed for the purpose.

9. In view of the above discussions, the present petition is allowed. The impugned Agenda No.11 dated 31.03.2025 (Annexure P-9), impugned letter dated 31.03.2025 (Annexure P-10) and the impugned order dated 14.07.2025 (Annexure P-13) are hereby set aside. The respondents are directed to take an appropriate decision strictly in accordance with law, the Deployment of Contractual Persons Policy, 2022, the Haryana Contractual Employees (Security of Service) Ordinance, 2024 and the Rules framed thereunder, after affording due opportunity of hearing to the petitioner, within a period of 02 months from the date of receipt of certified copy of this order. Further, the petitioner shall be entitled to all the back wages from the date his services were dispensed with i.e. 31.03.2025 and the same shall be paid to him within a period of 03 months from today.

10. *Status quo* as it existed prior to passing of the impugned orders shall be maintained till the appropriate decision is taken.

(HARPREET SINGH BRAR)
JUDGE

15.12.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No