



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

CWP-25041-2025

Date of decision: 02.09.2025

Lakhbir Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Harish Sharma, Advocate
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order No.1887-92 dated 12.09.2023 (Annexure P-3) passed by the respondents terminating the services of the petitioner.

2. The factual background of the case is that the petitioner was appointed as a contractual bus driver with the respondent vide appointment letter dated 07.11.2016 (Annexure P-1). On 15.05.2023, the petitioner met with an accident involving the bus being driven by him while on duty. In furtherance of the same, an FIR No.0080/2023 (Annexure P-2) was registered against the petitioner and he was arrested, but later released on bail on 30.05.2023. It is further alleged that respondents terminated the services of the petitioner vide order No.1887-92 dated 12.09.2023 (Annexure P-3), citing registration of FIR (*supra*) as well as his absence from duty. Neither was a departmental inquiry conducted nor was a show cause notice issued to him before terminating his services.



3. Learned counsel for the petitioner *inter alia* contends that the petitioner who had been appointed on contractual basis (Annexure P-1), has an unblemished service record with the respondents, prior to the said incident. The respondents have acted in an arbitrary manner by terminating his services without conducting any departmental proceedings, merely on the ground of pendency of a criminal case against him, which violates the principles of natural justice.

4. *Per contra* learned State counsel submits that the service of the petitioner was terminated in accordance with law. The petitioner was involved in a serious accident while discharging his duties as a driver, which resulted in the registration of the FIR(*supra*). Moreover, he remained absent from his duties from 16.05.2021 to 30.05.2023 and was in police custody and further as the petitioner was outsourced therefore principles of natural justice do not apply on him.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The issue involved in the present case is no longer res-integrata. A Two Judge Bench of the Hon'ble Supreme Court of India in ***U.P State Road Transport & Ors vs Brijesh Kumar and Anr. 2024 INSC 638*** speaking through Justice Pankaj Mithal made the following observation,

*“19. The services of the respondent have been determined solely on the ground of misconduct as alleged but without holding any regular inquiry or affording any opportunity of hearing to him. The termination order has been passed on the basis of some report which probably was not even supplied to the respondent. **No show cause notice appears to have been issued to the respondent. Therefore, the order of termination of his services, even if on contractual basis, has been passed on account of alleged misconduct without following the Principles of Natural***



Justice. The termination order is apparently stigmatic in nature which could not have been passed without following the Principles of Natural Justice. ”

Relevance in this regard may also be placed on ***K. Ragupathih vs. The State of Uttar Pradesh and others 2022 INSC 558.***

7. When the termination of an employee, whether regular or contractual, is grounded on allegations of misconduct, such a termination is stigmatic and cannot be sustained without following the principles of natural justice. Such an order carries with it severe consequences, the principles of natural justice are not mere procedural formalities but constitute an indispensable safeguard. Any order of termination passed without following the principles of natural justice, is arbitrary and illegal, regardless of the employee's contractual status. If the order is punitive in nature, the protection of natural justice cannot be denied, the termination shall be rendered unsustainable in law.

8. Since the services of the petitioner were terminated without giving him an opportunity to be heard, the present writ petition is allowed. Accordingly, the impugned order dated 12.09.2023 (Annexure P-3) is hereby set aside and respondent No.4 is directed to take an appropriate action after following the principles of natural justice, in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

02.09.2025

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No