

2025:PHHC:153401



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-26074-2025

Date of decision: November 07, 2025

RAVI KUMAR SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Shyam Singh Chhokar, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

Mr. Naman Jain, Standing counsel
for respondent no.2.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* setting aside the order dated 05.02.2025, Annexure P-3, passed by the Chief Secretary, Government of Haryana, whereby the petitioner's appeal against termination of service as Lecturer-cum-Instructor, Institute of Hotel Management, Catering Technology and Applied Nutrition Society at Jyotisar, District Kurukshetra, was dismissed. The order reads as under:

I have heard the petitioner, the representative of the department have gone through the order dated 07.11.2024, passed by the Hon'ble High Court, regulations governing the service conditions of the petitioner and other records available on file. The appointing authority of the petitioner is the Board of Governors headed by the Administrative Secretary of the



Tourism Department. Accordingly, the Board Governors decided to dismiss the service of the petitioner with immediate effect and consequently the order dated 29.01.2021 was issued by the Administrative Secretary. The said order is as per provisions of the aforesaid regulations and there is no provision in the relevant regulation for appeal against the said dismissal order. Even the petitioner has also failed to show any such provision, therefore, the present appeal before the Chief Secretary, Government of Haryana is not maintainable and accordingly the same is hereby dismissed for want of jurisdiction. The petitioner is at liberty to approach the appropriate forum for the redressal of his grievance.

2. Learned counsel for the petitioner contends that the appeal has been wrongly dismissed by the Chief Secretary. In the earlier round of litigation in the petition filed by the petitioner, CWP-3176-2021, a statement was made by learned counsel for the second respondent that Chief Secretary was the appellate authority. Based upon that statement, the petition was disposed of vide order dated 07.11.2024, directing the officer to decide the appeal within two months. Accordingly, the Chief Secretary had no option but to decide the same, and he could not have dismissed it for want of jurisdiction. Learned counsel has also relied upon the Haryana Civil Services (Punishment and Appeal) Rules, 2016 (in short, 'the 2016 Rules') to contend that these Rules are applicable to the petitioner in terms of the Institute of Hotel Management Catering Technology & Applied Nutrition, Rohtak/



Panipat/Faridabad/Kurukshetra/Yamunanagar Society's (Staff) Regulations, Annexure P-9 (for short, 'the Staff Regulations'). Regulation 6 thereof reads as under:

6. GENERAL CONDITIONS OF SERVICE

In all matters relating to service conditions such as fixation of pay; increments; counting of service for increments; compulsory deductions; optional deductions, grant of special pay; personal pay; honorarium and fee; Dearness Allowances; Additional dearness; Interim Relief; Leave Travel Concession: Compensatory Allowance; House Rent Allowance; Children Education Allowance: House Building Allowance; Festival Advance; advances for purchase of Conveyances: Travel and Admissibility of Travel Allowance; Classification control & Appeal rules; Conduct rules: Contributions to contributory Provident Fund; Joining Time; Leave Entitlements and conditions for grant of various kinds of leaves; Medical Rules; Gratuity and terminal Benefits etc, the State Government Rules on the subject, as applicable to comparable categories of State Government Employees/servants, shall Mutatis Mutandis be applicable to the corresponding categories of the employees of the society subject to any orders/ amendments/ instructions issued by the State Government on the relevant subject from time to time, except that where the Board of Governors, with the approval of the State Government adopts a specific provision/rule in respect of any Specific service matters, the employees of the Institute shall be subject to those provisions in respect of such specified matters.

**Note:**

- i) The above list is only illustrative and not exhaustive. All matters which may not have been spelt out above shall also be regulated in the same manner as in the case of State Government employees of corresponding categories.
- ii) Employees of the Institute shall be eligible to contribute to Contributory Provident Fund under the terms and conditions as laid down in Contributory Provident fund (India) Rules, 1962 as amended from time to time.

Learned counsel for the petitioner, however, is not in a position to point out as to who is the appellate authority in terms of the 2016 Rules, before whom the petitioner is entitled to file the appeal.

3. Learned counsel for the second respondent contends that in terms of the Regulations, the appeal before the Chief Secretary is not maintainable and the same has rightly been dismissed for want of jurisdiction. He also submits that the 2016 Rules have no application to the petitioner's case. Besides, the petition is not maintainable as the petitioner has not challenged his termination order.

4. Heard.

5. Considering the submissions made by learned counsel for the parties, this Court is not inclined to entertain the petition. The earlier petition filed by the petitioner was disposed of vide order dated 07.11.2024, which reads as under:

1. At the outset, all the learned counsels for the parties are ad idem that since against the order of termination of the



petitioner an appeal is pending before the Chief Secretary to Government of Haryana, the present writ petition may be disposed of with a direction to the Chief Secretary to Government of Haryana to consider and decide the aforesaid appeal in accordance with law and in a time bound manner.

2. In view of the above, the present writ petition is disposed of with a direction to the Chief Secretary to Government of Haryana to consider and decide the appeal which has been filed by the petitioner against the order of his termination, within a period of two months from today after affording an opportunity of hearing to the petitioner or his counsel.

Apparently, no statement was made by learned counsel for the second respondent that Chief Secretary is the appellate authority. The petition was disposed of on the statement made by learned counsel representing all the parties that an appeal against the order of termination has been filed before the Chief Secretary, which is pending adjudication. Besides, disposal of the petition to consider and decide the pending appeal would not confer any jurisdiction on the Chief Secretary to do so *de hors* the Rules.

6. Further, in terms of Regulation 6 of the Staff Regulations, it cannot be said that the 2016 Rules will be applicable to the petitioner's case. As per General Conditions of Service laid therein, Classification, Control and Appeal rules etc. applicable to the State Government employees, along with other Rules, will apply to corresponding categories of the Society's employees of as well, except where the Board of Governors, with the approval of the State Government, adopts a specific provision/rule in respect



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of any specific service matters. And there is no denying the fact that the Staff Regulations have specifically been framed, which regulate the termination of service of the Society’s employees as well.

7. No other argument has been raised. Nor has learned counsel for the petitioner shown any inclination to challenge the order of termination.

8. In view thereof, there is no ground to entertain the petition and it stands dismissed.

November 07, 2025
Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned : *Yes*

Whether reportable : *Yes/No*