Sr. No. 85

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case: LPA No. 237/2026 in
[WP(C) No. 2185/2021]
CM No.7861/2026 & CM No. 7862/2026

Date of Pronouncement : 04.11.2026

Uploaded on : 05.11.2026

UT of J&K and others .....Appellant(s)

Through :- Mr. Suneel Malhotra, GA

v/s

Subash Chander .....Respondent(s)

Through :- Mr. F A Natnoo, Advocate.

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER (ORAL)

1. The core question, which arises before this court, is that the respondent was appointed, as a consolidated worker, in March 2000, in the Municipal Committee Katra and later on, his services were utilized, as Computer Assistant and Driver, as well. Since his services were continuing, his case was also recommended for regularization in 2017. He was also assigned the work of Sanitary Inspector. The respondent has been disengaged vide order No.307-DULBJ of 2021 dated 22.09.2021. The order of disengagement has been set-aside on the simple ground of natural justice parameters having not been followed, as no notice was given to the employee.

2. Mr. Malhotra, counsel for the appellants, submits that since the nature of appointment was temporary, therefore, there is no requirement of any notice being served upon the respondent and the disengagement was only a natural corollary of his misdeeds, which he had committed, while being on the post. He,

further, submits that respondent was not a regular employee, therefore, the rigors of the regular enquiry are not necessary and it is the sole prerogative of the employer to have disengaged him. Mr. Malhotra submits that impugned order has erred in quashing the disengagement order, while giving liberty for fresh enquiry.

3. The counsel for the respondent submits that once the order of disengagement was stigmatic, then the basic principle of natural justice ought to have been followed in terms of the judgment quoted by the learned Single Judge in case titled *'M/s Dharampal Satyampal Limited Vs. Deputy Commissioner of Central Excise, Gauhati & ors.'* reported in **2015 (8) SCC 519.**

4. This Court, after hearing counsel for the parties, is of the firm opinion that the parameters of natural justice and the doctrine of *audi alteram partem* are not adhered to, once it is an accepted position that no notice was given in terms of the disengagement order, the same cannot be sustained in the eyes of law. Thus, since the law, in question, is settled, no interference in the impugned order is called for.

5. The appeal is ***dismissed***. However, in the interest of justice, the timeframe given in the order of the learned Single Judge, which was two months from the date of copy of the order is produced by the respondent herein, is extended by two months from today. It is needless to say, that if within two months from today, the action is not taken, then the liberty of the appellants would stand forfeited.

(RAJNESH OSWAL) JUDGE **(DR. PUSHPENDRA SINGH BHATI) CHIEF JUSTICE**

JAMMU
04.11.2026
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I attest to the accuracy and
integrity of this document