

CWP-2662-2001(O&M)

2026:PHHC:067909



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

204

CWP-2662-2001(O&M)
Date of Decision: **16.04.2026**

Ajay Kumar

...Petitioner

Versus

The Haryana State Cooperative Land Development Bank Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Patwalia, Advocate for the petitioner.

Mr. Piyush Khanna, Addl. AG Haryana-State.

Mr. Rajvir Singh Sihag, Advocate for respondent No.1-Bank.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of *certiorari* for quashing order dated 06.02.2001 (Annexure P-8) whereby the services of the petitioner were terminated with immediate effect. Further,

CWP-2662-2001(O&M)

2026:PHHC:067909



seeking issuance of a writ in the nature of *mandamus* directing the respondents to reinstate the petitioner in service and grant him all consequential benefits.

2. Briefly, the facts are that the petitioner was engaged by the respondent-Bank as a Driver on daily wage basis on D.C. rate vide order dated 19.05.1994. The appointment of the petitioner on daily wage basis was confirmed vide letter dated 09.01.1996 (Annexure P-2). Subsequently, his services were regularized vide order dated 08.03.1996 (Annexure P-3). He also completed 02 years of probation to the satisfaction of his superiors and thus, must be deemed to be confirmed. However, a show cause notice dated 10.02.1999 was issued to the petitioner as the respondent-Bank sought to terminate his services for failure to fulfill the essential qualifications. The petitioner submitted a reply (Annexure P-7) to the same, however, without taking it into consideration, the impugned order dated 06.02.2001 (Annexure P-8) whereby his services were terminated with immediate effect. Hence, the present writ petition.

3. Learned counsel for the petitioner contends that the petitioner has been continuously working with the respondent-Bank since the year 1994. Subsequently, his services were also regularized vide order dated 08.03.1996 (Annexure P-3) passed by the Managing Director. The post of Driver carries a pay scale of less than Rs. 1600 (unrevised), and the applicable Service Rules provide that appointment to the same be made by the Managing Director. Further, admittedly, the petitioner is not middle

CWP-2662-2001(O&M)

2026.PHHC.067909



pass, however, this fact was never concealed from the respondent-Bank. Yet, the respondent-Bank regularized his services and continued to reap the fruits of the same for about 07 years. Further, as far as the objection regarding lack of experience is concerned, the petitioner had experience of 01 year and 10 months at the time of his regularization and in all, he now has an experience of 07 years. As such, in view of the judgment of the Hon'ble Supreme Court in ***Ram Swarup vs. State of Punjab (1979) 1 SCC 168***, this irregularity stands rectified. Thus, the act and conduct of the respondent-Bank in terminating the services of the petitioner at such a belated stage is highly inequitable and unfair. Learned counsel also places reliance on the judgments rendered by the Hon'ble Supreme Court in ***Bhagwati Prasad and others vs. Delhi State Mineral Development Corporation AIR 1990 SC 371***, ***J.C. Yadav vs. State of Haryana AIR 1990 SC 857*** and this Court in ***Sunita Devi and others vs. Haryana Staff Selection Commission and others CWP No.16724 of 2011 decided on 06.02.2025*** to support his case.

4. *Per contra*, learned counsel for the respondent-Bank submits that the appointment of the petitioner has been made through back-door entry as neither was an advertisement issued for recruitment to the relevant post nor a recommendation was made by Employment Exchange. Further, the petitioner was appointed by the Manager, Primary Agricultural Rural Development Bank who is not the competent authority in this case. Learned counsel submits that the requisite qualifications for the post of Driver are- (i)

CWP-2662-2001(O&M)

2026:PHHC:067909



Middle Pass and (ii) Two years experience of driving. Admittedly, the petitioner has failed his middle school examinations. Moreover, he was issued a driving license on 17.05.1994 and thus, evidently, he did not possess the adequate experience at the time of his appointment. As such, the impugned termination order dated 06.02.2001(Annexure P-8) has been correctly passed as the appointment of the petitioner has been made in violation of the applicable Service Rules.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner has been working as a Driver with the respondent-Bank since his initial appointment in the year 1994. Nothing on the record suggests suboptimal performance on his part, flagged by his superiors. Notably, his services were regularized vide order dated 08.03.1996 (Annexure P-3), subject to clearance of 02 years of probation period. Thus, upon completion of the probation, the services of the petitioner ought to be viewed as confirmed as a regular employee.

6. Curiously, after availing the services of the petitioner for 07 years, the respondent-Bank has terminated his employment citing irregularities in his appointment. The respondent-Bank has claimed that the regularization order dated 08.03.1996 (Annexure P-3) has been passed by the Manager, Primary Agricultural Development Bank, while a perusal of the same would indicate that it has been issued by the Managing Director. Clause 9.21(b) of the Staff Service Rules of Haryana State Cooperative Agricultural and Rural Development Bank Limited, Panchkula (Annexure

CWP-2662-2001(O&M)

2026:PHHC:067909



R-2) provides that the Managing Director shall be competent to make appointments to various Class III and IV posts. As such, the appointment of the petitioner has been made by the authority competent to do so, in terms of the applicable Service Rules. Furthermore, as far as the lack of requisite educational qualifications and experience is concerned, it is not the case of the respondent-Bank that the petitioner has fraudulently concealed the necessary information. Rather, instead of raising these concerns at the time of initial appointment of the petitioner or prior to his regularization, the respondent-Bank only flagged them by issuing a show cause notice dated 10.02.1999 i.e. 05 years after initial appointment and 03 years after his regularization. At no stage did the petitioner engage in any misrepresentation with regards to his qualifications and thus, he cannot be made to face the brunt of the laxity displayed by the respondent-Bank in adhering to the prescribed norms.

7. The State and its instrumentalities, being model employers, are held up to higher standards and therefore, bear an additional responsibility to ensure that their actions are not perceived as arbitrary or violative of the constitutional philosophy. In no shape or form should a public employer be permitted to act on a whim or at its convenience, thereby causing mental and economic distress to its employees as such conduct betrays the constitutional promise of justice and fairness. The Hon'ble Supreme Court in ***Maneka Gandhi vs. Union of India and another 1978(1) SCC 248*** has expanded upon the fundamental right enshrined in Article 21 of the Constitution and

CWP-2662-2001(O&M)

2026:PHHC:067909



held that a citizen can only be deprived his life or liberty if the procedure established by law allows for it. However, it emphasizes that such procedure must be *just, reasonable and fair*. Further, in ***L.I.C. of India vs. Consumer Education & Research Centre 1995(4) SCT 678***, the Hon'ble Supreme Court further clarified that the duty to act fairly is a part of the procedure envisaged under Articles 14 and 21 of the Constitution of India. As such, the petitioner cannot be arbitrarily deprived of his livelihood at such a belated stage, when no wrongdoing is attributable to him.

8. Notably on 12.09.2024, this Court had information regarding retirement of the petitioner. However, nothing was forthcoming in this regard from either of the parties.

9. In view of the discussion above, this Court is of the considered opinion that at this point in time, the petitioner has acquired considerable experience as he was initially appointed in the year 1994, regularized in the year 1996 and continued to serve the respondent-Bank in view of stay granted vide order dated 24.02.2001. Thus, it would neither serve public interest or the respondent-Bank to deprive him of his livelihood after continuously availing the benefits of his service for such a long duration. Accordingly, the present petition is allowed and order dated 06.02.2001 (Annexure P-8) is hereby quashed and set aside.

10. The petitioner shall also be at liberty to move a representation before the competent authority regarding any surviving claims.

CWP-2662-2001(O&M)

2026:PHHC:067909



11. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

16.04.2026
Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No