



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

CWP-9026-2026

Date of decision: 07.04.2026

Kuldeep

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Aggarwal, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl.A.G., Haryana
for respondents No.1, 5 & 6.

Mr. Vikrant Pamboo, Advocate
for respondents No.2 to 4.

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 of office letter No. HSIIDC:PER:2022:4863-4867 dated 07.12.2022 (Annexure P-50) passed by respondent No.3.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was deputed as a Patwari at HSIIDC, IMT, Manesar, since the year 2000. The petitioner's engagement was through Haryana Kaushal Rozgar Nigam Limited. The execution petition bearing No.EXE-1605 of 2015 was filed by land owner, namely, Ram Mehar, for the release of the compensation for acquired land. During the execution proceedings, several orders were passed including coercive steps regarding attachment of the properties and the petitioner, along with his counsel, appeared on 31.03.2022 and, on the basis of



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the approval and written communication by the Assistant General Manager dated 29.03.2022, made a statement that a certain amount had been received by way of attachment from the account of HSIIDC, out of which a certain amount was the share of the decree holders. The aforesaid statement was made entirely on the basis of written instructions dated 29.03.2022. Further, on the basis of letter written by an Officer with the Advocate General Office and without issuing any show cause notice, the impugned order dated 07.12.2022 (Annexure P-50) was passed. The impugned order is liable to be set aside, firstly, on the ground that even a temporary employee is entitled to the protection of the principles of natural justice, as held by the Hon'ble Apex Court in *U.P. State Road Transport Corporation & Ors. v. Brijesh Kumar & another 2024 INSC 638*; further, any disciplinary action, if at all, has to be taken by HKRNL and HSIIDC has no jurisdiction to pass the disengagement order. Further, the order has been passed in a predetermined manner, actuated on the *ipse dixit* of the letter dated 16.11.2022, whereas, the correct facts clearly indicate that the petitioner had made a statement on the basis of official communication before the Executing Court. Further, Civil Revision No.4252 of 2016 titled *Haryana State Industrial & Infrastructural Development Corporation Ltd. vs. Ram Mehar and others*, on the basis of which the aforementioned letter dated 16.11.2022 was written, has already been disposed of as infructuous by this Court vide order dated 06.03.2020 (Annexure P-49). Further, the petitioner continued to represent the respondents, however, two of the representations are available on record as Annexures P-54 and P-55.

3. He further refers to the various orders passed by the Executing

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Court which are available on record as Annexures P-1 to P-46. To substantiate his arguments, he submits that the petitioner has merely been made a scapegoat on the basis of the letter dated 16.11.2022 and has produced the letter dated 29.03.2022 before this Court which is taken on record as Mark 'X'. Registry is directed to tag the same at an appropriate place in the file. Copy thereof has been handed over to the learned counsel for respondents No.2 to 4.

4. Learned counsel for respondents No.2 to 4 submits that the impugned order was passed on 07.12.2022 and that the petitioner remained indolent and approached this Court after an inordinate delay. However, he could not controvert the fact that since the petitioner was deployed through respondent No.6 i.e. HKRNL, respondent No.6 is the competent authority to take disciplinary action. He further, upon perusal of the letter dated 29.03.2022 and the order dated 31.03.2022 (Annexure P-43), is not in a position to dispute that the statement made by the petitioner before the Executing Court on 31.03.2022 stands duly reflected in the written communication dated 29.03.2022, taken on record as Mark 'X'.

5. Having heard learned counsel for the parties and after perusal of the records, it transpires that the impugned disengagement order dated 07.12.2022 was passed in a predetermined manner on the basis of the letter written by one of the Law Officers with the office of the Advocate General, Haryana on 16.11.2022. Further, the impugned order was passed without examining the facts of the case as well as the official communication dated 29.03.2022. The very foundation of the impugned order i.e. the office noting regarding Civil Revision No.4252 of 2016 is based on a matter that was already



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disposed of as infructuous by this Court on 06.03.2020 as discernible from Annexure P-49 rendering the subsequent action against the petitioner invalid. Further, there is no denial to the fact that the statement made by the petitioner before the Executing Court on 31.03.2022 is based upon the official communication dated 29.03.2022 which was addressed to learned counsel for the respondent-HSIIDC by the Assistant General Manager, HSIIDC, IMT Manesar. Further, it is a trite law that any order having civil consequences cannot be passed without adhering to the principles of natural justice even against a contractual employee as has been laid down by the Hon'ble Supreme Court in *Brijesh Kumar's case (supra)*.

6. In view of the above, the present civil writ petition is allowed and the impugned office letter No.HSIIDC:PER:2022:4863-4867 dated 07.12.2022 (Annexure P-50) is hereby set aside. Further, considering the fact that the petitioner has rendered more than 20 years of unblemished service, respondent No.6 is directed to consider placing the petitioner either with respondent No.2 or in any other suitable post through HKRNL, in the interest of justice, equity and fair play.

(HARPREET SINGH BRAR)
JUDGE

07.04.2026

Neha

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