

CWP-13507-2022

2026:PHHC:076929



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

214-4

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Date of Decision: **14.05.2026**

Navjit Kaur

....Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Thind, Advocate and
Mr. Tudhjot K. Sidhu, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. D.K. Singal, Advcoate
for respondents No.4 and 5.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ, order or direction, especially in the nature of *certiorari*, for quashing/settting aside Resolution No. 35 dated 02.05.2022 (Annexure P-8) passed by respondent No.3 and order dated 09.05.2022 (Annexure P-9) passed by respondent No.5, whereby the services of the petitioner, who had been engaged on outsourcing basis,

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were ordered to be relieved, being illegal, arbitrary, whimsical and contrary to law, despite the fact that the petitioner had already been reinstated in service pursuant to the award dated 25.04.2000 (Annexure P-1) passed by the learned Labour Court, which has attained finality. Further, issuance of a writ in the nature of *mandamus* is prayed for directing the official respondents to permit the petitioner to rejoin and continue on the post of Clerk, on which she had been serving since 09.09.1994 on daily wage basis in the office of Municipal Council, Bhikhiwind, in pursuance of the award dated 25.04.2000 (Annexure P-1) passed by the learned Labour Court.

1.1. It is further prayed that the official respondents be directed not to wrongly interpret and apply the judgment dated 27.11.2015 (Annexure P-4) passed by this Court against the petitioner, as she was not a party to the said proceedings from either side, and the said position already stands clarified by this Court in ***COC P No. 2800 of 2017*** decided on 16.10.2019 (Annexure P-5).

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as Clerk in terms of Resolution No.58 dated 26.09.1994 on daily wage basis. However, on 06.11.1995, the services of the petitioner were illegally terminated by respondent No.4. Aggrieved against the said action, the petitioner raised an industrial dispute and the learned Labour Tribunal, Amritsar, vide award dated 25.04.2000, ordered

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reinstatement of the petitioner with continuity of service and back wages. The respondents did not challenge the said award and, thus, the same attained finality. It is further contended that prior to passing of the aforesaid award, the Government of Punjab had de-notified Nagar Panchayat, Bhikhiwind, vide notification dated 02.07.1999, which was challenged before this Court in CWP No.8973 of 1999. The matter ultimately went up to the Hon'ble Supreme Court in SLP No.3670 of 2002, wherein it was observed that it shall be open to the State Government to establish Nagar Panchayat, Bhikhiwind. Consequently, the Government of Punjab, Department of Local Bodies, vide notification dated 29.05.2013, reconstituted Nagar Panchayat, Bhikhiwind.

2.1. Learned counsel for the petitioner further refers to Annexure P-2 and submits that pursuant to the reconstitution of Nagar Panchayat, Bhikhiwind, the petitioner was allowed to join duties on 10.02.2014 on daily wage basis in compliance with the award dated 25.04.2000 passed by the learned Labour Tribunal, Amritsar. Thereafter, another round of litigation arose before this Court concerning the appointment of employees of Nagar Panchayat, Bhikhiwind, after its de-notification. Ultimately, this Court disposed of CWP No.5898 of 2004 and CWP No.10681 of 2010 with a direction that priority be accorded to those employees who were working as on 30.06.1999, strictly in accordance with their length of service and

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seniority, irrespective of whether such employees were contractual employees or working on daily wage basis.

2.2. Learned counsel further submits that the petitioner was not a party in the earlier round of litigation. The services of the petitioner had already been terminated on 06.11.1995 during the subsistence of Nagar Panchayat, Bhikhiwind, and the said termination order stood set aside by the learned Industrial Tribunal vide award dated 25.04.2000 granting continuity of service and back wages. After rejoining service, the petitioner continued to serve till 02.05.2022.

2.3. It is contended that although the dispute regarding the appointments of Satpal Singh, Manjit Singh and Mahinder Singh is the subject matter of CWP No.16466 of 2021 and connected matters, yet the petitioner has been removed from service without issuance of any show cause notice. The appointment of the petitioner has no nexus whatsoever with the controversy pertaining to the appointments of Manjit Singh and others, who are still continuing in service with Nagar Panchayat, Bhikhiwind, by virtue of interim protection granted by this Court in CWP No.16466 of 2021. Even otherwise, one of the employees appointed along with Manjit Singh and others, namely Mahinder Singh, has already retired on attaining the age of superannuation.

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3. *Per contra*, learned counsel for the respondents submits that the petitioner was removed from service in terms of the affidavit submitted by the then Director, Local Bodies, before this Court in CWP No.5898 of 2004 titled as ***Satnam Kaur and others versus State of Punjab and others*** (Annexure P-2 in CWP No.9536 of 2022 filed by Deepak Kumar and others). It is contended that the respondents were bound by the said affidavit filed before this Court and, after due application of mind, the services of the petitioner were terminated.

4. Having heard the submissions advanced by learned counsel for the parties and upon perusal of the record with their able assistance, it transpires that the petitioner was initially appointed as a daily wager on 09.09.1994. Thereafter, her services were terminated, whereupon the petitioner raised an industrial dispute and the learned Labour Tribunal, Amritsar, vide award dated 25.04.2000, decided the matter in favour of the petitioner by setting aside the termination order and granting continuity of service along with back wages. The aforesaid award attained finality and was never challenged by the respondents.

4.1. Thereafter, vide Annexure P-2 dated 10.02.2014, the petitioner was reinstated in service in compliance with the award dated 25.04.2000 passed by the learned Labour Tribunal, Amritsar. On the other hand, the affidavit filed by the Secretary-cum-Director, Local Government, Punjab, on

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behalf of respondents No.1 and 2 in CWP No.5898 of 2004 came to be filed on 14.08.2015, i.e. at a stage when the petitioner had already been reinstated and was serving in terms of the award passed by the Labour Tribunal.

4.2. Moreover, there is no dispute to the fact that petitioner's service was terminated without even issuing a show cause notice. The issue regarding entitlement of any employee for a show cause notice before any adverse order with regard to his service is passed has been conclusively dealt by the Hon'ble Supreme Court in ***U.P. State Road Transport Corporation & Ors. Vs. Brijesh Kumar & Anr. 2024 Insc 638 I***, wherein speaking through Justice Pankaj Mithal the Hon'ble Court has observed as under:-

"....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."

(emphasis added)

5. As such, an order of termination could not have been passed against the petitioner without issuing her show cause notice or following the principle of natural justice. In view of the above, present petition is allowed

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and Resolution No.35 dated 02.05.2022 Annexure P-8 is hereby quashed and set aside.

6. All pending miscellaneous application(s), if any, shall stand disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

14.05.2026

parul verma

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