



127

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

CWP-14582-2026

Date of decision: 20.05.2026

Jagjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Suresh Kumar Arya, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* while deciding the representation dated 22.04.2026 (Annexure P-5) directing the respondents to allow the petitioner to resume the duty and to conclude the inquiry pending for more than 20 months with the respondents department within a time bound period.

2. On 12.05.2026, the following order was passed:-

“Learned counsel for the petitioner submits that the petitioner is out of service since the 20.07.2024 without there being any formal order of suspension, termination or dismissal. Further, the inordinate delay of over 20 months in concluding the inquiry proceedings and the failure to decide the petitioner’s representation violate the principles of natural justice. The petitioner has rendered more than 09 years of continuous and unblemished service and has been deprived of his livelihood without due process of law.”



CWP-14582-2026

-2-

Mr. Vikas Sonak, AAG, Punjab puts in appearance on behalf of respondents No.1 & 2 on receipt of advance notice and seeks a short accommodation to have complete instructions.

Adjourned to 20.05.2026.”

3. Learned State counsel, on instructions from Ms. Veena, Senior Assistant, O/o Director State Transport, Punjab, submits that the petitioner is a contractual employee, as such, no show cause notice was issued to him, however, some inquiry proceedings are going for the last two years.

4. Having heard learned counsel for the parties and after perusal of the record of the case with their able assistance, it transpires that the petitioner was appointed as Driver on 22.07.2015 and has maintained an unblemished service record as discernible from Annexure P-1. On 20.07.2024, while on duty, the petitioner was intercepted by a checking team headed by the Inspector on the allegation that the petitioner has misappropriated 20 litres of diesel. The petitioner has fully cooperated with the checking Inspector and also with the inquiry officer and produced material evidence including videography establishing his innocence. Since 20.07.2024, the petitioner has not been allowed to resume his duties and till date, no order of suspension, termination or dismissal has been passed against him. As such, it is fully established that the petitioner is kept out of service without passing any formal order. The Hon'ble Supreme Court in ***U.P. State Road Transport Corporation and others vs. Brijesh Kumar and another, 2024 AIR SC 4424*** has categorically held that even a contractual employee is entitled to the foundational protection of the

principles of natural justice. No order having civil consequences to the detriment of a contractual employee can be passed without issuing a show cause notice and affording an opportunity of hearing.

5. In view of the above, the present civil writ petition is disposed of. The petitioner is directed to be reinstated in service with effect from 20.07.2024 with continuity of service and all consequential benefits. However, liberty is granted to the respondents to initiate and conclude appropriate disciplinary proceedings against the petitioner, strictly in accordance with law, after issuance of a show cause notice and affording him an adequate opportunity of hearing. The petitioner shall also be entitled to back wages, as he was illegally kept out of service despite being ready and willing to discharge his duties as a Driver.

(HARPREET SINGH BRAR)
JUDGE

20.05.2026
Neha

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