



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

CWP-20107-2022 (O&M)
Date of decision: 15.05.2026

Jitender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rohit Nagpal, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl.A.G., Haryana.

Mr. Vivek Saini, Advocate and
Mr. Arnav Goel, Advocate
for respondents No.3 & 6.

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 *certiorari* for quashing the impugned inquiry report dated 02.03.2022 (Annexure P-36), show cause notice dated 26.07.2022 (Annexure P-40) and termination order dated 17.08.2022 (Annexure P-42). Further, for issuance of a writ in the nature of *mandamus* directing the respondents to reinstate the petitioner with full back wages and consequential benefits and to further extend the tenure of his service for a period of one year as per the recommendation of the Executive Officer, Municipal Council, Hansi vide letter dated 19.07.2022 (Annexure P-50) given the fact that the works in question i.e. Kali Devi Mandir Road and Kranti Chowk Road in Municipal Council, Hansi have already been



approved and cleared vide inquiry report dated 13.08.2020 (Annexure P-17) in an identical inquiry conducted earlier which has not been challenged till date and has thus attained finality.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is aggrieved by the impugned inquiry report dated 02.03.2022 and show cause notice dated 26.07.2022 (Annexures P-36 & P-40), whereby, the petitioner has been held guilty of being negligent and performing duties with regard to the supervision of the construction of roads from Kali Devi Mandir Chowk to Vishvakarma Chowk at Hansi. The impugned disciplinary action is solely based upon the findings of the impugned inquiry report dated 02.03.2022, which suffers from severe procedural lapses and technical defects. The petitioner had diligently pointed out the errors committed at the time of collection and testing of samples and had mentioned the same in his comments as an independent member of the inspection committee. In fact, 05 out of 06 members of the committee, raised similar objections with respect to the mode and manner in which the inquiry was conducted. Further, the drill of the procedure prescribed under the applicable punishment and appeal rules have not been forwarded which has caused a great prejudice to the petitioner and in view of the same, the impugned disciplinary proceedings and termination order are not sustainable. The petitioner was recruited in terms of the advertisement (Annexure P-5), in which it has been clearly indicated that the service of the petitioner would be governed by the Haryana Municipal Services (Integration, Recruitment and Conditions of Service) Rules, 2010.

3. On the other hand, learned State counsel as well as learned counsel



for respondents No.3 & 6 submits that the present petition is liable to be dismissed as the petitioner was engaged as Junior Engineer on contractual basis in pursuance of part-II of outsourcing policy dated 06.04.2016. Further, the petitioner being a contractual employee is not entitled to the drill of the procedure prescribed under the applicable punishment and appeal rules, as the petitioner is not a regular employee and he relies upon the judgment of the Hon'ble Supreme Court in ***U.P. State Road Transport Corporation and others vs. Brijesh Kumar and another, 2024 AIR SC 4424*** and submits that, at the most, a contractual employee is entitled to a show cause notice before passing of any adverse order. The petitioner was not only issued show cause notice but also associated in the inquiry proceedings and thereafter, the termination order was passed on 17.08.2022.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner was working on a contractual/outsourcing basis and not as a regular employee, as such, he could not claim the full protection of service rules applicable to regular employees. Moreover, for a contractual employee, detailed disciplinary proceedings under punishment and appeal rules are not mandatory. Since the petitioner was given an opportunity through a show cause notice and was associated with the inquiry proceedings before passing the termination order, principles of natural justice were considered to have been followed. Learned counsel for the petitioner has failed to point out any violation of a statutory mandate. In such circumstances, this Court finds no ground to interfere.

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5. In view of the discussion above, this Court finds no merit in the arguments advanced by learned counsel for the petitioner. Consequently, the present petition, being devoid of any merit, is hereby dismissed.

6. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.05.2026*Neha*

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