



**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
(2 cases) AT CHANDIGARH**

Date of Decision : 01.07.2026

**1. CM-3977-LPA-2026 in/and
LPA-1629-2026 (O&M)**

**HARYANA STATE COUNCIL FOR CHILD WELFARE AND ORS.
.....Appellants**

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

**2. CM-3978-LPA-2026 in/and
LPA-1630-2026 (O&M)**

**HARYANA STATE COUNCIL FOR CHILD WELFARE AND ORS
.....Appellants**

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

**Present: Ms. Rakhi Sharma, Advocate for the appellant(s).
Mr. Nitin Kaushal, Addl. A.G., Haryana.**

HARSIMRAN SINGH SETHI, J. (Oral)

**CM-3977-LPA-2026 in LPA-1629-2026 (O&M) and
CM-3978-LPA-2026 in LPA-1630-2026 (O&M)**

Present applications have been filed for condoning the delay of 39 days in filing the appeal.

Keeping in view the contents mentioned in the applications, the same are allowed.

Delay of 39 days in filing the appeals, is condoned.

LPA-1629-2026 (O&M) and LPA-1630-2026 (O&M)

1. Present are the set of two appeals, the details of which are mentioned in the heading, involve common question of law in the context of common set of facts and thus they are being decided by a common order.

2. In the present set of appeals, challenge is to the impugned orders dated 23.03.2026 passed by the learned Single Judge in CWP No.5150 of 2020 titled "***Nem Kumar vs. State of Haryana and others***" in LPA No.1629 of 2026 and the order passed in CWP No.18727 of 2021 titled "***Balraj Singh vs. State of Haryana and others***" in LPA No.1630 of 2026.

3. Learned counsel for the appellant(s) submits that once the orders of termination were set aside on technical grounds, the learned Single Judge ought to have granted liberty to the appellant(s) to proceed afresh against the respondents in accordance with law.

4. Notice of motion.

5. Mr. Nitin Kaushal, learned Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State in both the appeals and Mr. Saurabh Bhorla, Advocate, accepts notice on behalf of respondent No.2.

6. Learned counsel appearing for the private respondent submits that though, in the cases of similarly situated employees, namely, *Kamlesh Shastri* and *Chander Mohan Bhatnagar*, such liberty was granted but no proceedings have been initiated against them. Therefore, initiation of inquiry proceedings against the present private respondent by adopting a pick-and-choose method cannot be sustained.

7. We have heard the learned counsel for the parties and have gone through the records of the present case with their able assistance.

8. It is noticed that since the orders of termination dated 23.03.2026 were set aside on the ground that the inquiry proceedings, which culminated in the termination orders, were not conducted in accordance with law, the learned Single Judge was required to grant liberty to the appellant(s)

to proceed afresh against the respondents in accordance with law.

9. It may be further noticed that in the cases of *Kamlesh Shastri* and *Chander Mohan Bhatnagar*, while passing similar orders, the learned Single Judge granted such liberty. Accordingly, the appellant(s) shall be at liberty to proceed against the respondents in accordance with law.

10. However, the respondents herein shall be at liberty to raise the objection that despite the grant of similar liberty in the cases of *Kamlesh Shastri* and *Chander Mohan Bhatnagar*, no fresh proceedings were initiated against them and, therefore, initiation of proceedings only against the present respondents would amount to discrimination. Such objection, if raised, shall be considered by the appellant(s) in accordance with law before initiating the present proceedings.

11. No further argument has been raised.

12. Keeping in view the above, the present set of appeals is disposed of with the observation that the appellant(s) shall be at liberty to proceed against the respondents in accordance with law after complying with the judgment of the learned Single Judge, as noticed hereinabove, subject to the liberty granted to the respondents to raise such objections as mentioned above.

13. Pending application(s), if any, shall stand disposed of.

14. Photocopy of this order be placed on the file of another connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

01-07-2026
Sapna Goyal

(AMARINDER SINGH GREWAL)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO