



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107

CWP-39353-2025 (O&M)
Date of decision: 18.02.2026

Sonu

....Petitioner

Versus

Municipal Committee, Kharkhoda and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chirag Chugh, Advocate
with Mr. Rahish A. Nagrath, Advocate
Mr. Mehul Nagrath, Advocate for the petitioner.

Mr. Divyansh Shukla, Advocate
for Mr. Sukhdeep S. Parmar, Advocate
for respondent No.1.

Mr. Piyush Khanna, Addl. A.G., Haryana
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the termination order/communication dated 12.12.2025 (Annexure P-5) passed by respondent No.1. Further a writ of *mandamus* has been sought, directing respondents No.1 and 2 to reinstate the petitioner to his post of Clerk/Pairokar immediately with continuity of service and all consequential benefits including full back wages. Another prayer has been made to stay the operation of termination order dated 12.12.2025 and to grant interim relief by paying



the petitioner the last drawn salary as subsistence amount on account of non-payment of salary for the month of December, 2025.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was deployed as Clerk/Pairokar in the Municipal Committee, Kharkhoda/respondent No.1 vide order dated 08.02.2022 through HKRNL/respondent No.2 as discernible from Annexure P-1. During his service, the petitioner exposed a fraud being committed against the Municipal Committee by one Hemant, which resulted in registration of FIR No.419 dated 25.06.2025, under Sections 318(4), 328, 336(3), 340 and 329(3) of BNS, 2023 at Police Station Kharkhoda, District Sonapat, against the said Hemant (Annexure P-2). He further submits that in alleged retaliation, Hemant, out of personal grudge, circulated an unverified audio clip to falsely implicate the petitioner in corruption case and on the basis of the said audio clip and complaint, respondent No.1 issued a Show Cause Notice dated 08.12.2025 (Annexure P-3). The petitioner submitted a detailed reply dated 11.12.2025 denying the charges and alleging vindictiveness (Annexure P-4). However, without holding any proper departmental inquiry, without checking the authenticity of the audio clip and without giving the petitioner a fair opportunity to defend himself, respondent No.1 terminated his services vide impugned order dated 12.12.2025 (Annexure P-5). Learned counsel for the petitioner further submits that the termination of the petitioner is based only on unverified material and the impugned order has been passed in violation of principles of natural



justice. He further contends that the petitioner has not been paid his salary for the month of December, 2025.

3. In support of his arguments, learned counsel for the petitioner relies upon the judgment of this Court passed in **CWP-27378-2018**, titled as ***Dinesh Kumar vs State of Haryana and others***, decided on **09.01.2020** and submits that even if a contractual employee on the basis of allegation of misconduct is required to be terminated, it can only be done after holding a departmental enquiry. In the absence of any departmental enquiry, the termination order is required to be set-aside due to procedural lapses. He further relies upon the judgment rendered by Madhya Pradesh High Court in ***Vijay Barde s/o Late Shri Dhan Singh vs The State of M.P. and another, 2020(2) MPWN 87***, wherein it was held that a contractual employee cannot be dismissed for alleged negligence without giving prior notice or a chance to explain and as such, the termination goes against the principles of natural justice under Article 226 of the Constitution of India.

4. *Per contra*, learned counsel for respondent No.1 as well as learned State counsel, submits that the petitioner's ID is active on the portal of HKRNL and in view of the misconduct reported by respondent No.1/Municipal Committee, Kharkhoda, the respondent No.2/HKRNL has issued a show cause notice to the petitioner and the drill of the procedure prescribed for initiating disciplinary action is put in place vide Memo No.6466 dated 01.08.2024, would be followed. The said Memo No.6466 dated 01.08.2024, is taken on record as 'Mark X'.



5. Having heard learned counsel for the parties and after perusal of the record, it transpires that the petitioner was deployed as a Clerk/Pairokar with the Municipal Committee, Kharkhoda/respondent No.1 on a contractual basis through HKRNL/respondent No.2. The impugned termination order dated 12.12.2025 (Annexure P-5) was passed by respondent No.1 purportedly on account of alleged misconduct, however, the same is unsustainable in law as it was not issued in accordance with the procedure prescribed for disciplinary action under Memo No.HKRN/6466 dated 01.08.2024. Further, as the petitioner remains under the administrative control of HKRNL/respondent No.2, the Municipal Committee, Kharkhoda/respondent No.1 lacks the jurisdiction to initiate any disciplinary proceedings against him.

6. The relevant portion of the Memo No.HKRN/6466 dated 01.08.2024, reads as follows:-

Process Flow for Termination of Candidate:

Reporting Misconduct:

If a candidate engages in misconduct or behaves in a manner contrary to organizational requirements, the DDO or complainant will complete the complaint form available on the portal.

Submission of Complaint:

The completed complaint form will be submitted through the designated HKRNL portal.

Issuance of Show Cause Notice:

HRNL will issue a show cause notice to the candidate within 5 working days of receiving the complaint.

***Candidate's Response:***

The candidate must provide a response to the show cause notice within 3 working days of receipt.

Personal Hearing:

A personal hearing will be scheduled at HKRNL in front of the committee upon receiving the candidate's response. The hearing has to be conducted within 3 days of receiving the candidate's response.

The complainant is required to attend the meeting in person or online.

Both the candidate and the complainant have the option to join the meeting online if unable to attend in person.

HKRNL Committee Review:

The committee, with representation of indenting department and from HKRNL Team will review all evidence, including the complaint, response, and statements provided during the personal hearing.

Decision Making:

Based on the committee's review and recommendation, a decision regarding termination will be made. The committee has to give the decision within 3 days of conducting the hearing.

Notification:

The candidate will receive written notification of the decision regarding termination.

Implementation:

If termination is decided, it will be executed on the portal once approval on file taken by CEO HKRNL.

Documentation:

All actions taken, including complaints, responses, meeting minutes, and decisions, will be appropriately documented for record-keeping purposes.



Complaint Form:

Date:

Complainant Details:

DDO ID:

Name:

Position:

Department:

Phone:

Email:

Candidate Details (against whom complaint is made):

Name of Candidate:

Current Position:

Department/Division:

Description of Complaint:

[Provide detailed information about the complaint, including specific incidents, dates, and any supporting evidence.]

7. Learned State counsel appearing for respondent No.2 has taken a specific stand that the petitioner has been served with a show cause notice in terms of the process flow for termination of a candidate deployed under HKRNL dated 01.08.2024. As such, this Court finds no ground to interfere with the pending disciplinary proceedings against the petitioner before respondent No.2, at this stage.

8. Moreover, a two-Judge bench of the Hon’ble Supreme Court in **U.P. State Road Transport Corporation and others vs. Brijesh Kumar and another, 2024 AIR SC 4424** has held that the principles of natural justice must be honoured while passing a termination order even



against a contractual employee. Speaking through Justice Pankaj Mittal, the following was held:

“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)

9. In view of the foregoing reasons, the present petition is disposed of. The impugned order dated 12.12.2025 (Annexure P-4) passed by respondent No.1 is set-aside. However, respondent No.2/HKRNL would be at liberty to conclude the pending disciplinary proceedings against the petitioner by following the principles of natural justice, after affording an opportunity of hearing to the petitioner in compliance with the prescribed procedure.

(HARPREET SINGH BRAR)
JUDGE

18.02.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No