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

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CWP-15061-2026

Date of Decision: **14.05.2026**

Monika Bhatia

....Petitioner

VERSUS

Haryana Kaushal Rozgar Nigam Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Saurabh Dalal, Advocate for the petitioner.

Mr. Vikrant Pamboo, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of *mandamus* directing the respondents to permit the petitioner to continue with her service in the office of respondent No.2.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was initially appointed as a Clerk on 01.06.2009 on contractual basis through an outsourcing agency and has continuously served the respondents ever since. It is submitted that the services of the petitioner subsequently came to be protected under the provisions of the Haryana Contractual Employees (Security of Service) Act, 2024 and the Amendment



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Act, 2025 and she was duly extended the benefit of the said enactments. Learned counsel submits that the petitioner has rendered more than 17 years of continuous, satisfactory and unblemished service to the respondents.

2.1 It is further contended that the petitioner was falsely implicated in FIR No.4 dated 16.02.2026 registered under Sections 7 and 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act at Police Station ACB, Faridabad (Annexure P-1). However, the petitioner was granted regular bail vide order dated 18.03.2026 passed by the learned trial Court (Annexure P-2). Learned counsel submits that despite grant of bail, when the petitioner approached the respondents for joining duties, she was not permitted to resume service. Feeling aggrieved, the petitioner submitted representations dated 27.03.2026 and 03.04.2026 (Annexures P-3 and P-4) followed by reminder dated 17.04.2026 requesting restoration of her services, however, no action has been taken thereupon till date.

2.2 Learned counsel further submits that neither any order terminating the services of the petitioner has been passed, nor has she been placed under suspension. It is argued that no show cause notice, charge-sheet or memorandum of allegations has ever been served upon the petitioner and no departmental proceedings or inquiry under the applicable service rules has been initiated against her. Learned counsel submits that the Haryana Punishment and Appeal Rules, 2016 are applicable to employees protected under the Haryana Contractual Employees (Security of Service)



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Act, 2024 and, therefore, the respondents are legally bound to adhere to the prescribed statutory procedure before taking any adverse action affecting the service rights of the petitioner.

2.3 It is further argued that the action of the respondents in forcibly discontinuing the petitioner from service without issuance of any formal order, suspension order, charge-sheet, show cause notice or departmental proceedings is wholly arbitrary, illegal and violative of the principles of natural justice. Learned counsel submits that mere registration of an FIR does not automatically authorize the employer or State instrumentalities to keep an employee out of service indefinitely without following the mandatory procedure established under the applicable rules and law. Such action, it is argued, amounts to imposing a punitive consequence without affording the petitioner any opportunity of hearing and is violative of Articles 14 and 16 of the Constitution of India.

2.4 At this stage, learned counsel for the petitioner submits that the present writ petition may be treated as a comprehensive representation and a direction be issued to the respondents/competent authority to consider and decide the claim of the petitioner by passing a reasoned and speaking order, within a stipulated period, strictly in the light of the Haryana Punishment and Appeal Rules, 2016 and the Haryana Contractual Employees (Security of Service) Act, 2024, after affording an adequate opportunity of hearing to the petitioner, in accordance with law.



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3. On advance notice, Mr. Vikrant Pamboo, Advocate accepts notice on behalf of respondent No.2 and submits that he has no objection in case a direction is issued to the respondents/competent authority to consider and decide the claim of the petitioner by passing a reasoned and speaking order in accordance with law.

4. In view of the limited prayer made by learned counsel for the petitioner and without expressing any opinion on the merits of the case, the present writ petition is disposed of with a direction to the respondents/competent authority to treat the present writ petition as a comprehensive representation and to consider and decide the claim of the petitioner by passing a reasoned and speaking order, in accordance with law, strictly keeping in view the provisions of the Haryana Punishment and Appeal Rules, 2016 as applicable to employees protected under the Haryana Contractual Employees (Security of Service) Act, 2024, within a period of three months from the date of receipt of a certified copy of this order.

5. It is further observed that the respondents shall adhere to the procedure prescribed under the applicable statutory rules and shall not keep the petitioner out of service or deprive her of service benefits without following due process of law and principles of natural justice. The decision so taken shall be communicated to the petitioner forthwith.

6. Any deviation from or non-compliance of the directions issued by this Court shall entitle the petitioner to move an appropriate application



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under Article 215 of the Constitution of India for initiation of contempt proceedings against the erring officials in accordance with law.

7. Pending miscellaneous application(s), if any, shall also stand disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

14.05.2026

Puneet Chawla

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