

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<u>WPSS No. 552 of 2025</u> <u>WPSS No. 555 of 2025</u> <u>WPSS No. 556 of 2025</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Dushyant Mainali, learned counsel for the petitioners. 2. Mr. Ganesh Kandpal, learned Deputy Advocate General for the State. 3. Mr. Rajendra Arya, learned counsel holding the brief of Mr. Neeraj Garg, learned counsel for respondent no. 7. 4. In all these three set of petitions the petitioners are aggrieved by a common order dated 29.03.2025 issued by the District Project Officer, Almora, whereby, the services of each of the petitioners have been discontinued. 5. Learned counsel for the petitioners submits that these petitioners are serving continuously through outsource agency since last more than 10 years. 6. The petitioner of WPSS No. 552 was inducted as a outsource employee in the year 2008; the petitioner of WPSS No. 555 of 2025 was inducted as outsource employee in the year 2010 and the petitioner of WPSS No. 556 of 2025 was inducted in the year 2012. 7. It is submitted by the learned counsel for the petitioner that by stigmatic and composite order the services of the petitioners has been dispensed with without holding a full fledged enquiry. 8. Learned counsel for the petitioner submits that the order impugned clearly reveals that it is a stigmatic order, however, no full fledged enquiry was initiated and even no chargesheet was issued and merely on the complaint a preliminary enquiry was done and based on a show cause the petitioners were removed from services. 9. Learned counsel for the petitioner submits that removal of service as per the Disciplinary Rules of 2003 is a major penalty and therefore the procedure as

			prescribed under Rule 7 has to be followed even in respect of outsourced employee. 10. Apart from this, he also submits that the order smack from malice since the contractual period of the petitioners were going to be expired on 31.03.2025 but just two days before the expiry of that period the order impugned has been passed. 11. In response to this, Mr. Ganesh Kandpal, learned Deputy Advocate General submits that since each of the petitioners were inducted as outsource employee and were not regular employee, therefore, the Rules of 2003 are not applicable. 12. The arguments as advanced by Mr. Ganesh Kandpal, learned Deputy Advocate General, is not so convincing because even otherwise if the Rules are not applicable the law is very well settled that by stigmatic order no one can be discontinued. Here, apparently the order impugned reveals that order is stigmatic one, therefore before passing the stigmatic order atleast the formal chargesheet should be issued to the petitioners. 13. Let the respondents may file counter affidavit within four weeks. 14. Two weeks' time thereafter is granted to the petitioners to file rejoinder affidavit. 15. List this matter on 18.06.2025. 16. Till the next date of listing order impugned dated 29.03.2025 passed by respondent no. 3 shall remain stayed. (Rakesh Thapliyal, J.) 23.04.2025 PR
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