

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 23691 of 2014
Date of decision : May 14 2015

Deepak

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jitender Nara, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest? Yes

Amit Rawal,J (oral).

Learned counsel for the petitioner contends that the order of regularization vide impugned order dated 17.11.2014 and departmental order vide Annexure P-13 dated 3.11.2014 have been withdrawn without hearing the petitioner.

On going through the contents of orders Annexures P-13 and P-15 it is evident that the Director & Special Secretary, Rural Development Department, Haryana, Chandigarh had written to The Deputy Commissioner-cum-Executive Chairman, District Rural Development Agency, Rohtak that regularization of services of the petitioner-Computer-cum-Data Entry Operator, to the post of Clerk should not be implemented till further orders.

The contention of the petitioner is that the services of the petitioner were regularized on 10.9.2014 w.e.f. 25.8.2014. He further submits that vide Annexure P-15 the order of withdrawal of

regularization has been passed without issuance of any show cause notice, much less according any hearing to the petitioner., therefore, principles of natural justice have blatantly been violated.

On going through the impugned orders, it is ex facie seen that no show cause notice, much less opportunity of hearing had been given before passing the impugned orders. Services of the petitioner were regularized on 10.9.2014 w.e.f. 28.5.2014 (Annexure P-9). It was incumbent upon the respondents to hear the petitioner before passing an adverse order. In the absence of any opportunity of hearing, much less violation of the principles of natural justice, I do not deem it appropriate to issue notice of motion and instead quash the orders and remand the matter back to the authorities.

Accordingly, Annexures P-13 and P-15 are quashed. The matter is remitted back to the authorities. The authorities are directed to hear the petitioner, much less issue show cause notice before taking any action which is adversarial in nature to the petitioner.

The writ petition is accordingly allowed.

Liberty is granted to the respondents to seeking recall of the order, in case the averments made in the writ petition are found to be incorrect.

(AMIT RAWAL)
JUDGE

May 14 , 2015
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