

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

Civil Writ Petition No.23931 of 2015

Date of decision: 6.11.2015

Tarsem Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.K.Arora, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

It is well settled that no adverse order can be passed against a citizen without offering him an opportunity of hearing in consonance with the principles of natural justice and rule of *audi alteram partem*.

The present is not a case where post decisional hearing can sustain the order in view of the nature of recovery of money resulting from the order dated 20.10.2015.

Since the order is deaf, dumb and blind, it cannot be sustained and has to be set aside. For this, no hearing is required to be given to the State of Punjab or any of its functionaries since the present order neither creates nor extinguishes rights but only calls upon the respondents to redo the order after giving an opportunity of hearing to the petitioner where he

can put forth his case effectively.

As a consequence, this petition is partially allowed. A writ of certiorari is issued quashing the impugned order dated 20.10.2015. The respondent Government will remain at liberty to pass a fresh order in accordance with law after hearing the petitioner.

(RAJIV NARAIN RAINA)
JUDGE

November 6, 2015
Paritosh Kumar