

Sr.No.262

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-26281-2014(O&M)

Decided on: 16.11.2015

Ashok Kumar and othersPetitioners

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.S.K.Hooda , Advocate for the petitioners.

Mr.Hitesh Pandit, Addl. A.G. Haryana.

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Mahesh Grover, J

CM-14853-2015

CM is allowed as prayed for.

Replication to the reply filed on behalf of respondents no.1 and 2 is taken on record, subject to all just exceptions.

CWP-26281-2014

The petitioners impugn Annexure P11 and Annexure P12.

By virtue of Annexure P11 they stand reverted from the posts of Zileदार to Assistant Revenue Clerks and by virtue of Annexure P12 their seniority has been altered. It is alleged that both these orders have been passed without issuance of any show cause notice. The seniority was determined in the year 2012 and altered in the year 2014. The impugned orders of reversion have also been passed simultaneously.

There is no denial to the fact that the notices were not issued to the petitioners before orders prejudicial to them were passed thereby violating the fundamental principle of audi alteram partem mandating a hearing to a person before any adverse order is passed against him.

In view of the above, there would be a little hesitation in setting aside the impugned orders Annexure P11 and P12 as they have been passed without

affording any opportunity of hearing to the petitioners. While disposing of the writ petition and quashing the impugned orders, the Court would mandate further that the respondents would be at liberty to re consider the whole issue after giving an opportunity of hearing to the petitioners and passing a speaking order thereafter.

Disposed of.

16.11.2015

mamta

(MAHESH GROVER)

JUDGE