

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

CWP No.9633 of 2015

Date of decision: 08.10.2015

Surender Kumar and others

....Petitioners

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Harish Rathee, Sr. DAG, Haryana.

1. To be referred to the reporters of not?
2. Whether the judgment should be reported in the digest.

DEEPAK SIBAL, J. (Oral)

Through order dated 08.08.2014, the petitioners who were serving the respondent-Department as Assistant Revenue Clerks/Head Revenue Clerks, were promoted to the post to Ziledars.

At an earlier point of time while they were serving the respondent-department as Assistant Revenue Clerks, they approached this Court through **CWP No.17334 of 2014; Surender Kumar and others v. State of Haryana and another**, through which they claimed the pay scale of the post of Ziledar. Since the petitioners therein had not represented their case before approaching this Court, their writ petition was disposed of vide

order dated 26.08.2014 granting them liberty to first approach the respondents by way of a comprehensive representation with a further direction that such representation made by them would be disposed of within a period of 3 months from the date of its submission. The petitioners filed their representation on 09.09.2014 claiming therein pay scales of Ziledars. While rejecting their representation, the Engineer-in-Chief, Irrigation and Water Resources Department, Haryana, vide the impugned order dated 28.11.2014, also ordered withdrawal of the promotion order of the petitioners dated 08.08.2014.

Admittedly, before the withdrawal of the promotion orders of the petitioners no notice was served upon them nor any opportunity of hearing was granted.

It further reveals from the record that even no specific or individual order was passed qua any of the petitioners before their reversion. The order through which their representation was decided was merely conveyed to the petitioners, through which they were informed that their promotion stood withdrawn.

In view of the admitted position that no notice or opportunity of hearing was given to the petitioners before withdrawal of their promotion orders as also on account of the uncontroverted fact that no specific order spelling out the reasons for ordering reversion of the petitioners was ever passed the impugned order dated 28.11.2014 to the extent that it withdraws promotion orders of the petitioners dated 08.08.2014 promoting them to the posts of Ziledars is set aside.

Resultantly, promotion order of the petitioners dated 08.08.2014 stands restored entitling the petitioners to all consequential benefits flowing from such restoration.

However, liberty is granted to the respondents to proceed against the petitioners with regard to their reversion but only after following the principles of natural justice and the procedure prescribed by applicable rules/law.

The writ petition stands allowed in the above terms.

No costs.

(Deepak Sibal)
Judge

08.10.2015
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