

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

***CWP No.16000 of 2016 (O&M)
Date of decision : 09.08.2016***

Om Parkash

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Ravinder Malik (Ravi), Advocate for the petitioner.

Mr. Ravi Pratap Singh, AAG, Haryana.

Mr. Raje Ram Kaushik, Advocate for the Caveator.

...

TEJINDER SINGH DHINDSA, J.

Petitioner while working on Class-IV post i.e. Water Carrier under the Haryana State Education Department was promoted to the post of Clerk on 08.07.2013.

The instant petition is directed against the order dated 14.01.2016 at Annexure P-5 passed by the Additional Director (Administration), Office of Director Secondary Education, Haryana, Panchkula whereby he has been reverted back to his substantive post of a Class-IV employee.

Notice in the writ petition.

On the asking of the Court, Mr. Ravi Pratap Singh, learned Assistant Advocate General, Haryana accepts notice. A complete copy of the writ paper book has been furnished to learned State counsel.

In view of the order that I intend to pass, there would be no requirement of seeking a written response to the writ petition from the State.

The reasons furnished in the impugned order of reversion need

not be gone into on merits by this Court at this stage. This view is being taken for the reason that in the impugned order itself, there is a recital that a show cause notice was issued to the petitioner on 14.01.2016 calling upon him to show cause as to why he be not reverted back to his substantive post of a Class-IV employee. The impugned order even though carrying an endorsement dated 16.07.2016 but carries a date of issuance on 14.01.2016 itself.

The clear inference drawn from such course of action is that the respondent/Authorities have proceeded with a pre-determined mind and the issuance of the show cause notice dated 14.01.2016 was a mere eyewash.

Needless to observe that a reversion order would entail adverse civil consequences and it was imperative upon the respondent/Authorities to have granted to the petitioner an effective opportunity to show cause against the contemplated action of reversion. The same has not been done.

Accordingly, the present petition is disposed of in terms of setting aside the order dated 14.01.2016 at Annexure P-5.

The matter is remanded back to the Director, Secondary Education, Haryana for passing an order afresh as regards the proposed action of reversion of the petitioner from the post of Clerk to that of a Water Carrier. Such fresh exercise of reconsideration be carried out and completed within a period of four weeks from today. Liberty is granted to the petitioner to furnish his written submissions in response to the show cause notice dated 14.01.2016 within a period of one week from today.

It is, however, clarified that setting aside of the order dated 14.01.2016 at Annexure P-5 by the instant order shall not be construed as an expression of opinion of this Court on the merits of the case. It is further

clarified that the right of the petitioner to continue on the promoted post of Clerk would be subject to the outcome of the fresh order i.e. to be passed in terms of the directions issued herein.

Disposed of.

09.08.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |