

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

CWP-11187-2013

Date of decision: 30.01.2017

Kishan Ram and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. K.G. Chaudhary, Advocate,
for the petitioners.

Mr. Avinit Avasthi, AAG, Punjab.

JAISHREE THAKUR, J.

The petitioners herein were working against various posts i.e. Water Carrier, Langri etc. in Police Department in district Mohali. They came to be appointed on a regular basis by respondent No.3 after due verification of their antecedents and documents in the year 2011. Vide orders dated 30.03.2012, the said orders were withdrawn by respondent No.3. Aggrieved against the said orders, the instant writ petition has been filed.

Learned counsel for the petitioners impugns the order dated 30.03.2012 withdrawing the appointments so made. It is contended that the impugned orders have been passed without any notice or opportunity of hearing to the petitioners. It is argued that once appointed on regular basis against a permanent vacancy, a vested right had been created in them and without following due process such appointment orders could not be

cancelled. It is also argued that there was no provision under the Punjab Police Rules for review of an order once passed. Reliance in this regard has been placed on a judgment passed in **CWP No. 8356 of 2006** titled ***Ram Niwas vs. State of Haryana and others*** .

Learned counsel appearing on behalf of the respondents argues that the appointments so made were cancelled as they were not in consonance with the State Government Policy. It is contended that the appointments could either have been made through Selection Board or Departmental Recruitment Committee by publication in the newspapers. As due procedure had not been followed in the instant case, withdrawing the appointments so made.

I have heard learned counsel for the parties and have perused the documents available on the record.

Admittedly, the petitioners came to be regularized in the year 2011 on a recommendation made by the Director General of Police. The said orders were withdrawn subsequently on the ground that the appointments/regularization was done without following due procedure, without recommendation of the Selection Committee or by the Departmental Committee. It is also not disputed that the petitioners herein, who were appointed against regular vacancies, were not issued any show cause notice nor were they given any opportunity of hearing before withdrawal/cancellation of the orders so passed. It is well settled principle of law that once a right gets vested in any Government employee, the same cannot be withdrawn without giving any opportunity of hearing, which is the basic principle of natural justice.

Accordingly, the instant petition qua the petitioners is allowed. The impugned orders qua the petitioners are hereby set aside with a direction to the respondents to take the petitioners back in service and thereafter pass appropriate orders in accordance with rules or instructions after giving an opportunity of hearing to the petitioners. The necessary exercise be done within a period of three months on receipt of certified copy of the order.

30.01.2017*Satyawan***(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.