

Sudhir

..... Petitioner

Versus

Chaudhary Devi Lal Cooperative Sugar Mills Ltd.
and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE P. B. BAJANTHRI

Present: Mr. Harish Bhardwaj, Advocate, for the petitioner.

Mr. Deepak Balyan, Advocate, for the respondents.

P. B. BAJANTHRI J. (ORAL)

The petitioner has questioned the validity of order dated 29.04.2016 (Annexure P-5) by which he has been reverted back to previous post J.S.Attendant (Seasonal Permanent).

Before passing order dated 29.04.2016, the Managing Director, respondent No.2 issued a show-cause notice to the petitioner as to why, the petitioner's service shall not be reverted back to the previous post held by the petitioner. In this regard, petitioner has submitted his reply. Thereafter, the Managing Director, respondent No.2 proceeded to pass a reversion order which reads as under:-

“ It is written with regard to the subject cited that vide aforesaid letter No., you were issued Show Cause Notice. Your reply is not satisfactory. You have not obtained the prior permission before acquiring the higher education. So you are reverted back to your previous post (Sample Boy Seasonal Permanent)”.

Perusal of the order of reversion, it is evident that reply of the petitioner has not been considered so there is a total non-application of mind, while issuing the order dated 29.04.2016 (Annexure P-5).

Accordingly, order dated 29.04.2016 (Annexure P-5) is set aside.

Petition stands allowed, reserving liberty to respondent No.2-
Managing Director to pass a speaking order, if so warranted.

(P. B. BAJANTHRI)
JUDGE

12.05.2017
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Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No