

244/A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 13641 of 2016 (O&M)
Date of Decision: 12.05.2017

Rakesh

..... 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 27.04.2016 (Annexure P-8) by which he has been reverted back to the post of Centrifugal Operator (Seasonal Permanent) from the post of Instrument Attendant (Regular Permanent).

Before passing order dated 27.04.2016 (Annexure P-8), 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. So you are reverted back to your previous post (C.F.O. Seasonal Permanent) ”.

Perusal of the order of reversion, it is evident that reply of the petitioner has not been considered and discussed so there is a total non-application of mind, while issuing order dated 27.04.2016 (Annexure P-8).

Accordingly, order dated 27.04.2016 (Annexure P-8) 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
hemlata

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