

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

CWP No.19549 of 2014

Date of Decision:30.05.2017

Ravinder Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

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

Present : Mr. Vijay S. Kajla, Advocate for the petitioner.

Mr. Sushil Gautam, D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

Petitioner has questioned the validity of order dated 28.08.2014 by which order of regularization dated 9.8.2014 is sought to be cancelled and withdrawn on the ground that the petitioner had worked on the post of Lascar from 8.11.2012 to 8.3.2013 (121 days) and not as a driver.

Learned counsel for the petitioner submitted that order dated 28.8.2014 (Annexure P-5) is without notice to the petitioner. He had the benefit of regularization order dated 9.8.2014 by which his service condition is to be improved like pay and other benefits in the post of driver. The same has been withdrawn or cancelled without hearing the petitioner. On this score itself, the petition is to be allowed.

Per contra, learned counsel for the respondents submitted that even if the petitioner is given an opportunity of hearing, things cannot be improved. Therefore, no interference is called for insofar as order dated 28.8.2014 (Annexure P-5).

Heard learned counsel for the parties.

Undisputedly, petitioner has not been provide an opportunity of hearing before passing order dated 28.8.2014 by which petitioner's service

condition is affected so also there is a civil consequences to the extent of reducing his pay etc. Therefore, he is entitled for hearing before passing order dated 28.8.2014 (Annexure P-5).

Accordingly, order dated 28.8.2014 (Annexure P-5) is set aside reserving liberty to the respondents to pass fresh order after issuing show cause notice to the petitioner. Competent authority is also directed to condone the service rendered by the petitioner against the post of Lascar for a period of 121 days for the purpose of regularization of his services to the post of Driver, if regularization policy permits.

With the above observation, petition stands allowed.

30.05.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**