

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24988 of 2015

Date of Decision:-29.03.2017.

Mam Chand Khirwa and another

.....Petitioners

Versus

The Haryana State Agricultural Marketing Board and another

.....Respondents

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

Present: Mr. R.N. Lohan, Advocate for the petitioners.

Mr. Sharad Aggarwal, Advocate for
Mr. Lokesh Sinhal, Advocate for respondent Nos.1 and 2.

P.B. BAJANTHRI, J. (Oral)

The petitioners while working as Mandi Supervisors, they were promoted to the post of Assistant Secretary on 30.5.2013 and 12.7.2013, respectively. In view of certain decisions, the respondents have reverted the petitioners from the post of Assistant Secretary to that of Mandi Supervisor on 23.11.2015. By virtue of interim order, the petitioners are continuing in the post of Assistant Secretary. One of the contention raised by the petitioners is that order of reversion dated 23.11.2015 is without issuing notice to the petitioners. Therefore, order of revision is liable to be set aside. It is undisputed that the petitioners have not been heard before passing the order of revision dated 23.11.2015. Whenever an adverse order or civil consequences are involved in an action of the State, it is mandatory

on the part of the concerned authority to issue show cause notice and obtain explanation from the likely to be affected persons and, thereafter, orders are required to be passed. Such proceedings have not been complied before passing the order dated 23.11.2015 (Annexure P-4). Hence, impugned order dated 23.11.2015 (Annexure P-4) is set aside qua the petitioners reserving liberty to the official respondents to take necessary action if it is warranted at this distance of time by issuing necessary notice and after receipt of explanation from the petitioners pass final order in the matter while dealing with each of the contention to be urged to the show cause notice.

With the above observations, petitions stands allowed.

(P.B. BAJANTHRI)
JUDGE

March 29, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.