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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6481-2014
Date of Decision :21.03.2017

Varinder Kaur & Ors.

.....Petitioners

Versus

State of Haryana & Ors.

.....Respondents

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

Present: Mr. R.K.Sharma, Advocate
for the petitioner.

Mr. Sailender Singh, Advocate
for respondents.

P.B.BAJANTHRI, J. (ORAL)

In the instant petition, the petitioners have questioned the validity of office order dated 30.12.2011 and order dated 13.09.2013 vide Annexures P-15 and P-17 respectively. The petitioners while working as a staff nurse they were promoted to the post of Sister Tutor on 31.08.2007 and 15.09.2007 respectively. Later on the official respondents noticed that the petitioners were not entitled to be promoted to the post of Sister Tutor. Consequently the official respondents proceeded to revert the petitioners to the post of Staff Nurse from Sister Tutor. Such action is not in accordance with principle of natural justice.

In this regard this Court has directed the official respondent to file an affidavit by posing the question to the extent whether the official respondents have withdrawn the order dated 08.02.2007 and further whether the respondents have withdrawn the promotion order before

reverting the petitioners?

In this regard the respondents have fairly submitted that they have not withdrawn the order of promotion so also no notice has been given to the petitioners relating to reverting them, from the post of Sister Tutor to the Staff Nurse. The affidavit is taken on record.

Admittedly, the official respondents have not followed the principle of natural justice i.e. before effecting order of reversion. The petitioners are entitled to be heard in the matter for the reasons that if, the petitioners are reverted there would be civil consequences, in other words their pay would be reduced and so also status. Hence, without hearing the petitioners the impugned action by the official respondents would be in violation of principle of natural justice. On this score the orders dated 30.12.2011 and 13.09.2013/07.02.2014 (Annexure P-15 and P-17) respectively are set aside, reserving liberty to the official respondents to take necessary action if it is warranted by issuing necessary show cause notice containing the reasons for cancellation of order of promotion by giving adequate opportunity to the petitioners. If such a notice is served upon the petitioners they are directed to file their statement/reply to the show cause notice. Thereafter, the official respondents are directed to examine the reply and pass a speaking order.

CWP stands allowed.

(P.B.BAJANTHRI)
JUDGE

March 21, 2017
Sunil Devi

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