

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14992 of 2014 (O&M)
Date of Decision: 30.08.2018

Smt. Geeta Saini

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. K.S. Khehar, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, DAG Haryana.

Mr. Sandeep Kumar, Advocate,
for Mr. D.S. Rawat, Advocate,
for respondent No.3.

Mr. Bhuwan Vats, Advocate,
for respondents No.4 to 6.

RAJIV NARAIN RAINA, J.(Oral)

1. This petition was filed in 2014 calling in question an order of reversion to lower post dated July 25, 2014. The operation of the order was stayed ad interim by this Court on July 31, 2014 by *prima facie* regard paid to the acceptance of the condition that the petitioner had successfully completed her probation period of one year and had also worked for about two and half years as Personal Assistant when the impugned order of reversion was passed and that too without show cause notice issued to the petitioner and without affording her an opportunity of hearing. The reversion order was passed as a result of consideration of the representation of one Kashmiri Lal pleading that he was senior to the petitioner and had a prior claim to appointment by promotion as Personal Assistant.

2. During the pendency of this petition, Kashmiri Lal has retired from service. Respondents No.4 to 6 were added as respondents by orders of this Court and who are now represented by Mr. Bhuwan Vats. Since the order of reversion was passed in breach of principles of natural justice, it is liable to be set aside on that score alone. Setting aside of the order would normally result in issuance of a direction to the authorities to pass a fresh order after hearing both the petitioner and Kashmiri Lal etc. But with retirement of the two from service, things have changed. So, accordingly, without disturbing the rights of retiree Kashmiri Lal or respondents No.4 to 6, this petition is disposed of with liberty to the private respondents, or any other member of the cadre, past and present, who may feel aggrieved, to approach the Commissioner, Ambala Division, Ambala to take a fresh look at the service dispute involving the seniority of the petitioner, Kashmiri Lal and respondents No.4 to 6 and to do so after granting hearing to all persons likely to be affected by the final dispensation, and then to proceed to pass a reasoned order as per rules within a reasonable time, preferably within three months from the date of supply of a certified copy of this order. Till such time as the fresh decision is not taken, the interim stay order dated July 31, 2014 shall continue to operate.

3. To clear the path for the Commissioner, Ambala Division, Ambala in the making of a fresh decision, the impugned order dated July 25, 2014 (Annex P-4) is set aside for want of adherence of the rule of audi alteram partem. The Commissioner, Ambala would also revisit his order dated February 29, 2012 untrammelled by the past and take an informed decision in accordance with law and as per rules governing the service of

the petitioner and the private respondents drawing their inter se seniority within the feeding cadre.

4. With these observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

30.08.2018
manju

Whether speaking/reasoned *Yes*

Whether reportable *No*