

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

**Civil Writ Petition No. 12303 of 2018 (O&M)
Date of Decision: 23.05.2018**

Karanveer Sharma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Pawan Kumar Goklaney, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

Petitioner (Karanveer Sharma) was appointed on compassionate basis, due to the death of his father-Suba Ram (Beldar) on 25.08.2017 during service, against the post of Mate by the Executive Engineer, Hari Ke, Canal Division, Irrigation Department, Ferozepur, vide appointment letter dated 25.10.2017 (**Annexure P-2**).

The grievance of the petitioner is that vide the impugned memo dated 04.05.2018 (**Annexure P-4**), his designation has been changed from the post of Mate to Beldar, which is a lower post. The reason given is that only the Beldar, on the basis of experience and seniority can be appointed as Mate and there can be no direct appointment to the post of Mate.

It is contended that the impugned memo dated 04.05.2018 (**P-4**) visits the petitioner with civil consequences, as the same has been passed without following the principle of natural justice.

On asking of the Court, Mr. Harsimran Singh Sethi, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents, and on instructions from Mr. Sandeep Kumar, Sub Divisional Engineer, Department of Water Resources, Punjab, concedes that a show cause/opportunity was required to be afforded before passing of the order dated 04.05.2018 **(P-4)**, hence, states that the Department would withdraw the order within next three days and the petitioner shall be treated as continuing on the post of Mate, till the passing of a fresh order after following the principle of natural justice.

In view of the stand of Department, conveyed through counsel at the Bar, the present **writ petition is allowed** and the impugned order dated 04.05.2018 **(P-4)** is set aside with liberty to the respondents-Department to pass a fresh order in accordance with law.

May 23, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>