

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

CWP-13411-2018 (O & M)

Date of decision: 07.02.2019

Vinod Kumar Sharma

.... Petitioner

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gulshan Sharma, Advocate, for the petitioner.

Mr. Nikhil Chopra, Addl.A.G., Punjab.

Mr. J.S. Ahluwalia, Advocate, for respondents No.2 to 4.

Rajan Gupta, J. (Oral)

Grievance of the petitioner is that order dated 17.01.2018, Annexure P-7, reverting him to the post of Superintendent Grade-II after lapse of 15 years has been wrongly passed. Mr. Sharma has urged before this court that the petitioner has joined as Superintendent Grade-II in the year 1996. Vide order dated 01.03.2004, he was promoted to the post of Assistant Registrar, thereafter, further promoted as Deputy Registrar on 07.07.2011. Suddenly, order dated 17.01.2018, Annexure P-7, was passed reverting the petitioner to the post of Superintendent Grade-II. According to him, such order is unsustainable in law. Besides, petitioner was not afforded any opportunity of hearing before passing the said order. According to learned counsel, bye-laws of College-respondent No.4, had not been taken into consideration. It was necessary for the Board of Governors to take into consideration the College bye-laws, particularly, 1.2., 1.4, 2.1 and 2.17 thereof.

In view of the fact that the petitioner was not afforded any proper opportunity of hearing. This court proposes to remit the case to the same authority for a decision afresh.

Learned State counsel submits that State has no role to play in the issue.

In view of the above, order dated 17.01.2018, Annexure P-7, is hereby set aside. Matter is remitted to the same authority for a decision afresh within a month after affording an opportunity of hearing to all concerned.

Present petition is allowed qua the petitioner.

February 07, 2019
sukhpreet

(RAJAN GUPTA)
JUDGE

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