

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

CWP No.25405 of 2018 (O&M)

Sanjay Singh Pathania & Ors.

.....Petitioners

Versus

Union of India

.....Respondent

Date of decision: 10.07.2019

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Vivek Sharma, Advocate for the petitioners.

Ms. Deepali Puri, Advocate for the respondent.

RAJIV SHARMA,J

CM No.9783 of 2019

Application is allowed.

Replication is taken on record.

CWP No.25405 of 2018

This appeal is instituted against judgment dated 07.08.2018 (P.8) passed by the Central Administrative Tribunal, Chandigarh dismissing the Original Application preferred by the petitioners.

Learned counsel appearing for the petitioners has drawn the attention of this Court to Annexures P.1 to P.3 (all orders dated 6.6.2018), which were impugned before the Tribunal. He submits that Hon'ble Supreme Court in an SLP preferred by the respondent-BSNL has constituted a Special Committee, which has made recommendations in favour of the petitioners. However, fact of the matter is that these findings made by the

Special Committee are not mentioned in the impugned Annexures. The petitioners have also acquired vested rights on the basis of seniority which led to their promotions. Any adverse order could be passed only in conformity with the principles of natural justice. The petitioners have not been issued any show cause notice.

These facts have not been disputed by learned counsel for the respondent.

In this view of the matter, the present petition is allowed and impugned orders are set aside. The respondent is directed to hear the petitioner after affording him reasonable opportunity of hearing and pass appropriate orders in accordance with law within a period of eight weeks from today.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

July 10, 2019
manoj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No