

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

**CWP No. 3122 of 2020 (O&M)
Date of Decision: 05.02.2020**

Baldev Singh

.....Petitioner

Versus

Punjab Mandi Board and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

TEJINDER SINGH DHINDSA J.(Oral)

As per pleadings on record petitioner was appointed as Cattle Scarer under Market Committee Gurdaspur on 07.03.1987 on adhoc basis. The services were thereafter regularized in the year 1989. Vide resolution dated 06.12.2011 passed by the Market Committee, petitioner was promoted to the post of Clerk.

Instant writ petition is directed against the order dated 28.11.2019 endorsed on 22.01.2020 issued by the Punjab Mandi Board, whereby the resolution dated 06.12.2011 of the Market Committee promoting the petitioner to the post of Clerk has been annulled.

The solitary submission advanced by counsel is that the action is in complete violation of the rules of natural justice. Petitioner has served on the post of Clerk since 2011 and the impugned order which would entail adverse civil consequences has been passed without issuing of a notice or opportunity of hearing to the petitioner.

Notice of motion.

Mr. S.P.Garg, Advocate who is present in Court, accepts notice on behalf of respondents No.1 and 2 and waives service.

A complete copy of the writ paper-book already stands furnished to counsel opposite.

In view of the order that this Court intends to pass there would be no requirement to elicit a written response to the writ petition.

The writ petition is taken up for final disposal today itself with consent of counsel for the parties.

Counsel representing the respondent authorities has conceded that the impugned order dated 28.11.2019 and endorsed on 22.01.2020 (Annexure P-5) has been passed without affording any opportunity of hearing to the petitioner and without issuance of a prior show cause notice. Needless to observe that the petitioner who has served on the post of Clerk for the last 8 years approximately, would now stand reverted to a Class-IV post and would suffer financial loss. Under such circumstances it was imperative for the competent authority to have afforded an opportunity of hearing to the petitioner.

In view of the above, the impugned order at Annexure P-5 is set aside only on the ground of violation of principles of natural justice.

Liberty, however, is granted to the respondent authorities to pass an order afresh but after affording to the petitioner a reasonable opportunity of being heard in terms of issuing a notice and granting a reasonable time frame for filing a reply.

Such exercise of passing of an order afresh be completed within a period of three months from today.

Writ petition is disposed of accordingly.

It is clarified that this Court has not examined the validity of the
impugned order on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

February 05, 2020

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