

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
112**

CWP-3508-2020

Date of decision: 28.02.2020

KULWANT SINGH

...PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.K.Arora, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 10.02.2020, following order was passed by this Court:-

“ Although the petitioner has challenged the order dated 07.05.2012 (Annexure P-6) passed by the Director, Rural Development and Panchayat Department, Punjab, imposing punishment of stoppage of three annual increments with cumulative effect upon him but a basic question which has been raised by the counsel for the petitioner, which goes to the root of the illegality in the order dated 07.05.2012 (Annexure P-6) is, 'Whether personal hearing given by officer 'A' in a departmental statutory appeal would fulfill the requirement of

Rules when on transfer of 'A', officer 'B' succeeds to his post and without giving a fresh personal hearing to the appellant, passes an order?

It is contended by learned counsel for the petitioner that petitioner was given personal hearing on 27.05.2010 by Shri Gurdev Singh, the then Director, Rural Development and Panchayat Department, Punjab, whereas the present order dated 07.05.2012 (Annexure P-6) has been passed after a period of two years by Shri Balwinder Singh, Director, Rural Development and Panchayat Department, Punjab.

Counsel for the State be supplied a copy of the writ petition during the course of the day under proper receipt, who shall seek instructions with regard to the factual aspect at the first instance as recorded above.

List on **18.02.2020.**”

In pursuance thereto, learned counsel for the State, on instructions from Sh. Pushap Paul Sharma, Superintendent, O/o Chief Engineer (PR), Punjab, informs the Court that the factual assertions, as made by the petitioner in the writ petition and in pursuance whereof, the order dated 10.02.2020 was passed by this Court, are correct. He, however, prays for liberty to the State to pass a fresh order after giving personal hearing to the petitioner within a period of two months.

In view of the above, the writ petition is allowed. The impugned orders dated 07.05.2012 (Annexure P-6), 22.06.2017 (Annexure P-10), 20.09.2018 (Annexure P-11) and 20.12.2019 (Annexure P-13) are, hereby, quashed.

Petitioner shall appear before the Director, Department of Rural Development, Panchayati Raj, Punjab-respondent No. 2, on **23.03.2020**. The competent authority may proceed to pass an order, in accordance with law, thereafter.

February 28, 2020

pj

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No