

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

220

Civil Writ Petition No.20057 of 2016

Date of Decision: February 28th, 2020

Jang Bahadur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 26.09.2016, while issuing notice of motion, following order
was passed:-

*“It is, inter alia, contended that the benefit of work charge period prior to regularization of the service of the petitioner (along with 46 other similarly situated employees) towards grant of pensionary benefits was sanctioned vide memo dated 17.12.2012 (**Annexure P-1**). However, the same has been ordered to be withdrawn vide impugned order dated 25.02.2016 (**Annexure P-2**), without observing the principles of natural justice and in complete violation of the settled law by this Court in a judgment rendered in CWP No.2371 of 2010 decided on 31.08.2010 (**Annexure P-3**).*

Notice of motion for 24.10.2016.

On the asking of the Court, Mr. Vaibhav Sharma, Deputy Advocate General, Punjab accepts notice and prays for time to seek instructions.

Learned Counsel for the petitioner(s) undertakes to furnish requisite number of copies of petition to learned State Counsel during the course of the day.

Learned State Counsel is directed to file reply by way of affidavit of the Officer, who passed this order, regarding the rationale of following the instructions dated 21.11.2011, which are contrary to the settled law.”

2. Counsel for the State is unable to rebut the contention of the petitioner's counsel as recorded above, meaning thereby that prior to passing of the impugned order dated 25.02.2016 (Annexure P-2), principles of natural justice were not followed as no notice was given to the petitioner.
3. In view of the above, the present writ petition is allowed.
4. Impugned order dated 25.02.2016 (Annexure P-2) qua the petitioner is hereby quashed with liberty to the respondents to pass a fresh order in accordance with law, if so advised.

February 28th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No