

In the High Court of Punjab and Haryana at Chandigarh

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CWP-506-2021 (O & M)

Date of Decision: October 12, 2022

VIVEK JAIN

.....PETITIONER

VERSUS

MANAGING DIRECTOR

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Mr. Vikas Singh, Advocate for the respondent.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has impugned the order dated 24.12.2020 whereby the petitioner has been reverted to the post of Assistant Accountant from the post of Accountant.

Learned counsel for the petitioner submits that the impugned order had been passed without issuance of notice or opportunity of hearing to the petitioner. The petitioner had duly been promoted as Accountant on 14.08.2019. He had also cleared the period of probation as reflected in the order dated 28.10.2020.

Learned counsel for the respondents while referring to the reply submits that the impugned order had indeed been passed without hearing the petitioner and the respondents had decided to withdraw the impugned order.

At this juncture, learned counsel for the petitioner submits that the impugned order has not been withdrawn and the petitioner continues to work on the post of Accountant.

Heard.

It is manifest that the impugned order reverting the petitioner had been passed without any opportunity of hearing or notice to him. The impugned order is thus in gross violation of the principles of natural justice. This Court by the order dated 11.01.2021 had stayed the operation of the impugned order. The respondents had stated to withdraw the impugned order but no order has been passed as yet whereby the impugned order has been withdrawn.

Consequently, the petition is allowed and the impugned order dated 24.12.2020 is set aside. The respondents would, however, be at liberty to pass a fresh order in accordance with law after issuance of notice to the petitioner and affording him opportunity of personal hearing.

(ANUPINDER SINGH GREWAL)
JUDGE

October 12, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No