

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(245)

CWP No. 6221 of 2021 (O&M)
Date of Decision : 10.03.2022

Rajender Prasad

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Maanipur, Advocate for the petitioner.

Mr. Narender Singh Behgal, A.A.G., Haryana.

Harsimran Singh Sethi J. (Oral)

In the present petition, the challenge is to the order dated 19.2.2021 (Annexure P-7) by which, the State Teacher Award given to the petitioner in the year 2018, has been withdrawn.

Learned counsel for the petitioner raises a short submission before this Court that the impugned order dated 19.2.2021 (Annexure P-7) has been passed without giving the petitioner any due opportunity of hearing. Learned counsel submits that though, the State Teacher Award was given to the petitioner in the year 2018 but, without giving any ground for withdrawal of the same, the same has been withdrawn by the impugned order dated 19.2.2021 (Annexure P-7) hence, the said order, which has been passed in violation of the rules of natural justice, cannot be sustained and

the same be quashed.

On the last date of hearing, following order was passed :-

“Learned counsel for the petitioner submits that the impugned order has been passed without giving any opportunity of hearing to the petitioner. If that be so, the said order cannot be sustained in the eyes of law.

Let the respondents inform this Court by 10.03.2022 whether the impugned order has been passed after giving due opportunity of hearing to the petitioner or not. In case, no opportunity was given, the respondents will be at liberty to withdraw the impugned order and pass a fresh order after complying with the rules of natural justice.

Adjourned to 10.03.2022.”

Learned State counsel submits that he has received a letter dated 10.03.2022 from the respondents, wherein, it has been mentioned that now 16.03.2022 has been fixed for grant of opportunity of hearing to the petitioner, which fact be brought to the notice of the Hon'ble Court and the Hon'ble Court be requested for an adjournment so that appropriate decision be taken after grant of opportunity of hearing to the petitioner.

Keeping in view the facts and circumstances of this case, once the respondents have decided to grant an opportunity of hearing to the petitioner on 16.03.2022 coupled with the fact that nothing has been placed on record that the impugned order dated 19.02.2021 (Annexure P-7) was passed after observing the rules of natural justice, the impugned order 19.02.202 (Annexure P-7) is hereby set-aside.

It is made clear that setting-aside of the impugned order will not debar the respondents to pass a fresh order in pursuance to the hearing of the petitioner, which has been fixed for 16.03.2022. This Court is not

opining upon the merits of the case with regard to the entitlement of the petitioner to retain the said amount or not, which will be decided by the respondents keeping in view the explanation, which the petitioner will submit before the authorities on the hearing i.e. 16.03.2022.

The present petition is disposed of in above terms.

CM-7771-CWP-2021

As the main petition is disposed of, the present application also stands disposed of.

March 10, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes