

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

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CWP-4356-2018

Date of decision : 10.11.2022

Vikas Kumar Tiwari

... Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Puneet Gupta, Advocate for the petitioner.

Mr. Hitesh Pandit, Advocate and
Mr. Suman Rani, Advocate for respondents No.1 to 3.

Mr. Keshav Pratap Singh, Advocate and
Mr. Kapil Kumar, Advocate for respondent No.7.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 12.02.2018
(Annexure P-7) whereby his seniority in Head Office has been disturbed.

Learned counsel for the petitioner submits that the impugned order
(Annexure P-7) has been passed by respondent No.3 without affording an
opportunity of hearing to the petitioner.

Learned counsel for respondents No.1 to 3, however, submits that
the petitioner had been initially appointed as Upper Divisional Clerk in the
field cadre in pursuance to an advertisement for recruiting the staff in field
cadre. His services after appointment were placed at the head office at the
disposal of the General Manager, DHBVNL. There was shortage of staff in the
headquarter and those who had been working in field office, had been adjusted
at the headquarter. The petitioner was also adjusted in a similar manner.

Heard.

The petitioner was initially working as UDC in field cadre and thereafter, he appears to have been adjusted in the head office. It is manifest from the perusal of the impugned order (Annexure P-7) that the same has been passed after a representation had been received against the change of cadre of the petitioner to head office. The petitioner had not been issued any notice or afforded any opportunity of hearing before passing the impugned order which has affected the rights of the petitioner.

Consequently, the petition is allowed and the impugned order dated 12.02.2018 (Annexure P-7) is set aside. The respondents shall, however, be at liberty to pass a fresh order after issuance of notice along with furnishing a copy of representation received against him. He shall also be afforded an opportunity of hearing before passing a fresh order in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

November 10, 2022

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