

312 (2 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4981-1997 (O&M)
Date of Decision:01.12.2023

PAWAN KUMAR SHARMAPetitioner

V/s.

**COMMISSIONER, EXCISE AND TAXATION DEPARTMENT, PUNJAB
PATIALA AND OTHERS**
.....Respondents

CWP-4722-1997 (O&M)

LAL CHAND AND ANOTHERPetitioners

V/s.

**STATE OF PUNJAB THROUGH ITS SECRETARY, DEPARTMENT OF
EXCISE AND TAXATION, PUNJAB AND ANOTHER**
.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. B.P.S. Virk, Advocate for the petitioner in CWP-4981-1997.

 None for the petitioners in CWP-4722-1997.

 Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. This order shall dispose of two connected Writ Petitions as the
issue involved in both the Writ Petitions is common.

CWP-4981-1997 (O&M)

2. The petitioner had challenged the order of reversion
(Annexure P-5) from Grade III post to Grade IV post on the ground of
violation of the principles of natural justice.

CWP-4981-1997 (O&M) and
CWP-4722-1997 (O&M)

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3. It is submitted in CWP-4981-1997, that the promotion awarded on 21.11.1995 to the petitioner was on regular basis. While working as a Clerk, he was also transferred firstly from Ferozepur to Moga and then from Moga to Nawanshehar. Whereafter vide order dated 31.03.1997, he was reverted to the post of Peon without their being any allegation nor is there any reason coming forward on behalf of the respondents. Hence, this Court vide interim order dated 10.04.1997 stayed the reversion of the petitioner and as the interim order was continued, the petitioner continued to work as Clerk up till his retirement. As per the information received, the petitioner has also expired.

4. In view of the interim order dated 10.04.1997 passed by this Court and in view of the fact that the respondents in their reply do not assert that they have given an opportunity of hearing to the petitioner or that they have followed the principle of *audi alteram partem*, the interim order 10.04.1997 passed by this Court is made absolute. The petitioner would be deemed to have continued as a Clerk and retired on the said post. Any monetary benefits which have not been released shall now be released in favour of his LRs.

5. In view of the observations made hereinabove, this Writ Petition stands allowed.

CWP-4722-1997 (O&M)

6. The law as laid down in CWP-4981-1997 decided hereinabove, would apply *mutatis mutandis* to this case and accordingly this Writ Petition is also allowed in the aforesaid terms.

CWP-4981-1997 (O&M) and
CWP-4722-1997 (O&M)

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7. All Pending filed in these Writ Petitions shall stand disposed of accordingly.

December 1, 2023
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

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