

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

**CWP No.17380 of 2021 (O&M)
Date of Decision : 17.01.2023**

Rajinder Kaur and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Dhiraj Chawla, Advocate
for the petitioners.

Mr. Inderpreet S. Kang, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J.

Petitioners pray for issuance of a writ in the nature of certiorari seeking quashing of the order dated 3rd of August, 2021 (Annexure P-7) whereby they have been ordered to be reverted back from the post of Accountant Grade-I to that of Accountant Grade-II.

2. Petitioners who were working in Town Improvement Trust as Accountant Grade-II were ordered to be promoted as Accountant Grade-I in the pay-scale of Rs.10300-34800-4800 GP vide order dated 9th of February, 2018. They were ordered to be reverted back vide impugned order dated 20th of August, 2021 reviewing the order dated 9th of February, 2018.

3. Counsel for the petitioners submits that *de hors* the merits of the impugned order, the same is unsustainable for having been

passed in utter violation of principles of natural justice. It has been contended that order (Annexure P-7) having an effect of reverting the petitioners from the promotional posts has been passed even without issuing any notice to them leave apart opportunity of personal hearing.

4. Counsel for the respondent does not dispute the said fact. However he has tried to take refuge under the explanation offered in the written statement to justify the reversion. Factually he does not dispute that no prior notice was given to the petitioners before passing of the impugned order which admittedly amounts to reversion.

5. I have heard counsel for the parties and have gone through records of the case.

6. On 9th of February, 2018, the petitioners were promoted as Accountant Grade-I in terms of the following order :-

ORDER

No.DLG:TSC-16

Date 09.02.2018

Following Accountant Gr-II working in the Town Improvement Trusts are hereby promoted as Accountant Gr-I in the pay scale 10300-34800-4800 GP and other allowances admissible from time to time :

Sr No	Name	Present Posting	Remarks
1	Smt Rajinder Kaur	Town Improvement Trust, Abohar	Promoted as Accountant Gr-I w.e.f. 29.08.2014
2	Abdul Havaid	Town Improvement Trust, Malerkotla	Promoted as Accountant Gr-I w.e.f. 15.12.2015

- 1
- These orders shall be implemented with immediate effect.
- 2
- These employees shall be on probation period of one year.
- 3
- In case of any wrong promotion coming to the notice such

promotion shall be reviewed/cancelled.

4. In case the employees do not join the promotional post within one week then their promotion will be cancelled and they will not be considered for further promotion for a period of 2 years.
5. Separate orders of posting of these employees will be issued subsequently and for the time being they will continue at their present place of posting.
6. Sh. Khushwant Singh Accountant Gr-II Town Improvement Trust, Sangrur is not being considered because departmental proceedings are pending against him and Smt. Tina Vohra Accountant Gr-II Town Improvement Trust Amritsar is not being considered because being under suspension and therefore their case of promotion is kept pending.

Dated:09.02.2018, Chandigarh

Karnesh Sharma, IAS
Director, Department of Local Govt.
Punjab, Chandigarh.”

7. The petitioners admittedly worked on the said posts for more than three years. There is no complaint w.r.t. their act and conduct. They had already cleared their probation period of one year when impugned order dated 20th of August, 2021 was passed claiming that it was a wrong promotion.

8. In view of the admitted position that no notice was given to any of the petitioners prior to passing of the impugned order (Annexure P-7), this Court finds that the order cannot be sustained and the same is liable to be set aside being an act of manifest violation of principles of natural justice.

9. As a sequel of the discussion held herein above, the present

writ petition is allowed. Impugned order dated 20th of August, 2021 (Annexure P-7) is hereby quashed.

January 17, 2023
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No