

CWP-22550-2020 (O&M)
CWP-7247-2021 and
CWP-22264-2020 (O&M)

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2023:PHHC:134481

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

107+237 (03 cases)

(1) CWP-22550-2020 (O&M)
Date of Decision : October 16, 2023

Ashok Kumar Verma and others

...Petitioners

Versus

State of Punjab and others

... Respondents

(2) CWP-7247-2021

Jagwinder Singh and others

...Petitioners

Versus

State of Haryana and another

... Respondents

(3) CWP-22264-2020 (O&M)

Manjit Singh and others

...Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gauravjit Singh Patwalia, Advocate for the petitioners
in CWP-22550-2020 and CWP-7247-2021.

Mr. Vishal Gupta, Advocate for the petitioners
in CWP-22264-2020

Mr. Gurpreet Singh, Addl. A.G. Punjab assisted by
Mr. Paramjit Singh, Senior Assistant, Water Resources
Department, Punjab, Chandigarh.

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Harsimran Singh Sethi, J. (Oral)

CM-17921-CWP-2023

Application is allowed as prayed for.

Rejoinder to the reply filed by respondents No.1 to 3 is taken on record.

Main Case

1. By this common order, above mentioned three writ petitions are being disposed of as all the writ petitions involve same question of law on similar facts. For the purpose of the present order facts are being noticed from CWP-22550-2020.

2. The challenge in the present petitions is to the order dated 15.12.2020 (Annexure P/11) by which the petitioners were reverted back to their feeder post on the ground that qualification of diploma from distant education submitted by the petitioners to prove their eligibility and were taken into account for promoting them, cannot be treated as valid diploma.

3. Learned counsel for the petitioners submits that without giving any opportunity of hearing to the petitioners, order causing prejudice to the petitioners have been passed as the petitioners have been reverted to the feeder cadre post, which act of the respondent-department is impermissible keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal No.9417-2019** titled as **M/s Daffodils Pharmaceuticals Ltd. and another vs. State of U.P. and another** decided on 13.12.2019 and **Chamoli District Co-operative Bank Ltd through its Secretary/Mahaprandhak and another vs. Raghunath Singh Rana and others**, 2016(12) SCC 204, decided on 17.05.2016.

4. Faced with this situation, learned counsel for the respondents submits that he has instructions to state that impugned order dated 15.12.2020 reverting the petitioners to the feeder cadre and similar order passed qua the other petitioners may kindly be treated to be withdrawn with liberty to the respondents to pass a fresh order by giving due opportunity of hearing to the petitioners by serving them with appropriate show cause notice.

5. Learned counsel for the petitioners submits that as the impugned orders have been treated to be withdrawn with liberty to the respondents to pass a fresh order by giving opportunity of hearing to the petitioners, present petitions have been rendered infructuous and the same may kindly be disposed of as such and as the petitioners are already working under the interim order passed by this Court, they be allowed to continue in service till the final decision is taken by the respondents after serving due show cause notice to the petitioners.

6. Ordered accordingly.

CM-8210-CWP-2023

Application is disposed of as such.

A photocopy of this order be placed on the files of connected cases.

October 16, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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