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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-32719-2019(O&M)
Date of Decision: 21.04.2023

GAUTAM

....Petitioner(s)

Versus

PUNJAB STATE POWER CORPORATION LIMITED AND
OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Sharma, Advocate,
for the petitioner.

Ms. Eknor Kaur Sara, Advocate,
for respondent Nos. 1 to 4.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Certiorari* for quashing the order dated 10.06.2019 (Annexure P-7) passed by respondent No.3 and also Annexure P-9 dated 22.10.2019 passed by the Appellate Authority vide which the claim of the petitioner who is stated to be son of the deceased employee from the second marriage has been rejected.

2. Mr. Pankaj Sharma, Advocate appearing on behalf of the petitioner submitted that vide order Annexure P-4 passed by a Co-ordinate Bench of this Court in CWP No.889 of 2015, it was directed to the respondent-Corporation that so far as the claim of the present petitioner who was respondent No.6 in that case is concerned, his claim will be

decided on the basis of record so produced and by passing appropriate orders. He submitted that thereafter the aforesaid impugned order Annexure P-7 has been passed by which the claim of the petitioner for grant of share of retiral benefits of his deceased father has been rejected on non-existing grounds. He submitted that he was not granted any opportunity of hearing nor any notice was issued to the petitioner before passing of the aforesaid order and had it been done so, the petitioner could have apprised the concerned authority alongwith all the documents so that just and proper order could have been passed and thereafter even the Appellate Authority vide Annexure P-9 dismissed the appeal and also without affording the opportunity of hearing to the petitioner.

3. Ms. Eknoor Kaur Sara, Advocate appearing on behalf of the respondent-PSPCL submitted that in pursuance of the orders passed by this Court the claim of the petitioner has been decided on the basis of the documents available on record and as per the reply which has been filed by the PSPCL nothing is mentioned as to whether the petitioner was granted any opportunity of hearing or not.

4. I have heard the learned counsel for the parties.

5. This Court is of the view that only on the basis of issue with regard to non-affording of opportunity and violation of the principles of natural justice, the present petition can be disposed of. The core argument of the learned counsel for the petitioner was that while passing the impugned orders Annexure P-7 and P-9, no opportunity of hearing has been granted to the petitioner and as per the reply filed by the PSPCL and the submissions made by the learned counsel for the PSPCL, nothing in the

record suggests that the petitioner was granted any kind of opportunity of hearing before passing an order which affects his rights and visits him with civil consequences. Therefore this Court is of the view that on the basis of violation of principles of natural justice only, the impugned order Annexure P-7 and P-9 are deserved to be set aside.

6. Consequently, the present petition is allowed. The impugned order dated 10.06.2019 (Annexure P-7) and 22.10.2019 (Annexure P-9) are hereby set aside. It is further directed that respondent No.2/competent authority shall pass a fresh order in pursuance of the orders passed by this Court vide Annexure P-4 after giving due and adequate opportunity to the petitioner and hearing him alongwith all the supported documents and thereafter shall pass a fresh well-reasoned speaking order with regard to the claim of the petitioner. The aforesaid order shall be passed within a period of four months from today.

21.04.2023

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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