

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222 (03 cases)

CWP-11682-2017
Decided on : March 06, 2024

VIKRANT AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CWP-12130-2017 (O&M)

SUSHANT BHATIA

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CWP-13775-2017

DINESH JYOTI AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.K. Arora, Advocate
for the petitioners in CWP-11682-2017 and CWP-13775-2017.

Ms. Ravisha Mahajan, Advocate for
Mr. Baljinder Singh, Advocate for the petitioner
in CWP-12130-2017.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

NAMIT KUMAR, J. (Oral)

1. This order shall dispose of CWP-11682-2017, CWP-12130-2017 and CWP-13775-2017, as common question of facts and law are involved therein.

For the sake of convenience, facts are taken from CWP-11682-2017.

2. The petitioners have filed the instant petition under Article 226/227 of the Constitution of India impugning the order dated 08.05.2017 (Annexure P-5) whereby the promotion of the petitioners on the post of Secretary, Municipal Corporation, has been withdrawn and the petitioners have been reverted to the post of Superintendent Grade-II.
3. Learned counsel for the petitioners submits that the petitioners were regularly promoted to the post of Secretary, Municipal Corporation, vide promotion orders dated 27.09.2016 and 30.12.2016, annexed as Annexure P-2 and Annexure P-3, respectively, however, the said promotion orders have been cancelled and the petitioners have been reverted to the post of Superintendent Grade-II vide impugned order dated 08.05.2017 (Annexure P-5), which is in violation to the principles of natural justice, as neither any show cause notice nor any opportunity of hearing was afforded to the petitioners, before passing the said impugned order.
4. Learned State counsel could not refute the above said contention of learned counsel for the petitioners.
5. Learned counsel for the petitioners further submit that during the pendency of present petition, though the petitioners have again been promoted on regular basis vide order dated 11.01.2018 (Annexure R-1), however, they are entitled to be promoted w.e.f. the date, when they were earlier promoted vide order dated 27.09.2016 (Annexure P-2) and order dated 30.12.2016 (Annexure P-3).
6. In view of the above, the impugned order dated 08.05.2017 (Annexure P-5) is hereby set aside and the respondents are directed to reconsider the matter, after granting the opportunity of personal hearing to all the petitioners in CWP-11682-2017, CWP-12130-2017 and CWP-13775-2017, and pass necessary orders in accordance with law within a period of three months from the date of receipt of certified copy of this order.
7. Disposed of, in the above terms.
8. All pending application(s), if any, shall stand disposed of.

March 06, 2024
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(NAMIT KUMAR)
JUDGE

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