



CWP-9042-2025

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

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Date of decision: 28.03.2025

KULDEEP SINGH**....PETITIONER****Vs.****MUNICIPAL CORPORATION CHANDIGARH AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

Mrs. Madhu Dayal, Additional Standing counsel and
Ms. Shubreet Kaur, Advocate
for respondent Nos. 1 to 4 and 6.

Mr. Alok Mittal, Advocate and
Mr. Shubham Thakur, Advocate
for respondent No. 5.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 26.03.2025 (Annexure P-29) whereby he has been repatriated to his parent department i.e. Chandigarh Administration.

2. The petitioner was working with Municipal Corporation, Chandigarh as Executive Engineer. There was a complaint against him that he has forged document(s) at the time of his transfer from Chandigarh Administration to Municipal Corporation Chandigarh. The respondents conducted inquiry *qua* the allegations made against him. The petitioner was permitted to join inquiry, however, he was not supplied copy of Inquiry Report.



Without supplying copy of inquiry report and granting him opportunity of hearing, the respondents passed the impugned order whereby he has been repatriated to his parent department i.e. Chandigarh Administration.

3. Mr. Ravinder Malik (Ravi), Advocate submits that impugned order has been passed in gross violation of principles of natural justice. The respondents did not supply copy of findings of Inquiry Officer still impugned order has been passed.

4. Mrs. Madhu Dayal, Additional Standing counsel expressed her inability to controvert the fact that neither report of Inquiry Officer was served upon the petitioner nor was he granted any opportunity of hearing before passing the impugned order. However, she submits that there were serious allegations against the petitioner, thus, report of Inquiry Officer was not required to be supplied.

5. On the asking of the Court, during the course of hearing, she handed over copy of Inquiry Report to Mr. Ravi.

6. The petitioner got two promotions while serving with Municipal Corporation, Chandigarh. His repatriation to his parent department is going to adversely affect his career. It is settled proposition of law that no order without granting opportunity of hearing can be passed, even if, civil consequences ensue. Concededly in the instant case, impugned order was passed without supplying copy of Inquiry Report as well as granting opportunity of hearing. Since the impugned order is going to adversely affect petitioner's career, the stand of respondents that there was no need to supply Inquiry Report and hear him before passing impugned order is not sustainable.



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7. Accordingly, the impugned order is hereby set-aside with a direction to respondents to hear the petitioner and pass a fresh order within two weeks from today.
8. The petitioner would be at liberty to file his response within a week from today with respect to report of Inquiry Officer.

28.03.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

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