

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

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CWP-8867-2020 (O&M)

Date of Decision : March 23, 2026

GANESH KUMAR

-PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Arshdeep, Advocate, for
Ms. Shivani Sharma, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Mr. Sarthak Gupta, Advocate
for the applicant/proposed respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner assails the order dated 17.06.2020 (Annexure P-11), which has been passed in light of the *verdict dated 22.01.2018* rendered by the Hon'ble Supreme Court in *M.A. Nos.1795-1796 of 2017 in Civil Appeal Nos.17869-17870 of 2017 (Orissa Lift Irrigation Corp. Ltd. vs. Rabi Sankar Patro and others)*. The impugned order is assailed primarily on the ground that it is violative of the principles of natural justice.

2. During the course of hearing on 24.02.2026, this Court had directed learned State counsel to have apposite instructions from the quarter concerned and to apprise this Court as to whether any opportunity of hearing was afforded to the petitioner prior to the passing of the impugned order.

3. Today, learned State counsel, upon instructions from Mr.Sogandh Singh Bhullar, Executive Engineer, PWD (B&R), fairly

submits that no opportunity of hearing was afforded to the petitioner before passing the impugned order. Since the impugned order admittedly affects the service conditions of the petitioner, the same ought to have been passed only after granting due opportunity of hearing, which has not been done.

4. Mr. Sarthak Gupta, Advocate, representing the applicant in CM-3807-CWP-2021, submits that the petitioner has already retired from service, and on account of the pendency of the instant writ petition, the applicant's claim for promotion has not been considered thus far.

5. This Court has heard learned counsel for the parties and perused the record. In view of the admitted position that the impugned order has been passed without affording an opportunity of hearing to the petitioner, and keeping in view the consensus between the parties, the **impugned order is set aside** as being vitiated on account of violation of the principles of natural justice. The **matter is remitted to the authority concerned for a fresh decision**, after affording due opportunity of hearing to the petitioner as well as to the applicant in CM-3807-CWP-2021. The parties shall also be at liberty to file additional submissions, if any, including the claim of the applicant for antedated promotion. The authority concerned shall pass a fresh order within a period of two months from the date of receipt of a certified copy of this order.

6. **Disposed of accordingly.**

7. Pending application also stands disposed of accordingly.

March 23, 2026
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No