



2026:PHHC:078853

CWP-14924-2026

-1-

2026:PHHC:078853



110

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

**CWP-14924-2026 (O&M)
Date of decision: 14.05.2026**

Sandeep Bali

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

Mr. Abhilaksh Gaind, Advocate,
Mr. Rakesh Roy, Advocate and
Ms. Priya Jarial, Advocate
for respondent No.5.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 30.04.2026 (Annexure P-7) passed by respondent No.5, vide which the petitioner has been demoted from the post of Safai Mate to Safai Sewak.

CONTENTIONS

2. Learned counsel for the petitioner, *inter alia*, contends that the



petitioner was initially appointed as Safai Sewak in the Municipal Council, Nabha on 12.01.2009. Vide order dated 12.01.2011 (Annexure P-1), he was assigned the duty of a Temporary Safai Mate. Further, respondent No.5- Municipal Council passed a resolution No.105 dated 24.04.2022, which was approved by the General House for promoting the petitioner to the post of Safai Mate on a permanent basis. The said resolution was sent to respondent No.3 i.e. Director, Local Government Department, Punjab, who, vide letter dated 16.09.2022 (Annexure P-2), directed to take action keeping in view the seniority list and government instructions. Subsequently, the petitioner was promoted by order dated 03.10.2022 (Annexure P-5).

3. Learned counsel for the petitioner further contends that the impugned demotion order dated 30.04.2026 (Annexure P-7) was passed without conducting any inquiry, without issuing show-cause notice and without following the principles of natural justice. He further argues that there is no provision under the Municipal Council Act for such demotion and respondent No.5 could not have unilaterally recalled the order dated 03.10.2022, which was based on a unanimous decision of the General House and approval of the Director. He submits that the petitioner has been working as Safai Mate since 2012 and his work is satisfactory without any complaint.

4. *Per contra*, learned counsel for respondent No.5 submits that the impugned order dated 30.04.2026 was passed by respondent No.5, after coming to its notice that promotion of the petitioner to the post of Safai Mate was made in gross violation of the seniority list and government instructions.



2026:PHHC:078853

CWP-14924-2026

-3-

2026:PHHC:078853



Learned counsel further refers to the impugned order (Annexure P-7) and submits that the Director, Local Government Department, Punjab, vide letter dated 16.09.2022 (Annexure P-2), had specifically directed that action be taken keeping in mind the roster point and seniority list as per the rules/instructions of the government. The promotion of the petitioner, who was admittedly junior to forty five (45) other eligible Safai Sewaks, bypassed the seniority list. This was a mistake that the respondents were well within their rights to correct. He argues that the petitioner was not holding the post of Safai Mate as a matter of right and the correction of an illegal order does not require a full-fledged inquiry or a show-cause notice, when the illegality is apparent on the face of the record.

OBSERVATION & ANALYSIS

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.
6. The primary issue for consideration before this Court is whether respondent No.5 was justified in passing the impugned order dated 30.04.2026 (Annexure P-7), demoting the petitioner from the post of Safai Mate to Safai Sewak, on the ground that his initial promotion was granted in violation of the seniority list and government instructions and whether such action was vitiated for want of an inquiry or adherence to the principles of natural justice.
7. The Hon'ble Supreme Court in ***Union of India and another Vs. Narendra Singh, 2008(2) SCC 750***, while dealing with a similar issue



wherein the respondent therein was erroneously promoted as Senior Accountant despite not having passed the requisite departmental examination. After several years, the department sought to correct the mistake. The Hon'ble Supreme Court held that mistakes are mistakes and can always be corrected by following due process of law. The Court observed that an employer cannot be prevented from applying the rules rightly and correcting a mistake, even if it causes hardship. A two Judge Bench, speaking through Justice C.K. Thakker, observed as under: -

*“28. It is true that the mistake was of the Department and the respondent was promoted though he was not eligible and qualified. **But, we cannot countenance the submission of the respondent that the mistake cannot be corrected. Mistakes are mistakes and they can always be corrected by following due process of law. In Indian Council of Agricultural Research & Anr. v. T.K. Suryanarayan & Ors., 1997 (4) SCT 156: (1997) 6 SCC 766, it was held that if erroneous promotion is given by wrongly interpreting the rules, the employer cannot be prevented from applying the rules rightly and in correcting the mistake. It may cause hardship to the employees but a court of law cannot ignore Statutory Rules.**”*

(emphasis added)

8. As such, an employer has the inherent power to correct an order, that was passed in violation of statutory rules, seniority or other mandatory instructions. A promotion granted by mistake, oversight or in contravention of the law confers no legal right on the employee to hold the promotional post.

9. Admittedly, the petitioner was promoted to the post of Safai Mate vide order dated 03.10.2022 (Annexure P-5). Moreover, It is uncontroverted by the petitioner that there were other Safai Sewaks senior to



2026:PHHC:078853

CWP-14924-2026

-5-

2026:PHHC:078853



him. The fact that several senior persons were available and were overlooked for promotion means the mistake was apparent on the face of the record. Respondent No.5 was well within its rights to pass the impugned order.

10. The contention of learned counsel for the petitioner, that no inquiry was conducted, is misplaced. The present case is not about misconduct or a disciplinary proceeding. It is an administrative action to correct an illegal order of promotion. The Hon'ble Supreme Court in **Narendra Singh's** case (*supra*) has clearly held that an employer cannot be prevented from applying the rules rightly and correcting a mistake.

CONCLUSION

11. In view of the above, this Court finds that the promotion order was *void ab initio* and as such, respondent No.5 was fully justified in correcting a patent mistake by passing the impugned order dated 30.04.2026 (Annexure P-7). Consequently, the present writ petition is dismissed being devoid of any merit.

12. The pending miscellaneous application(s), if any, shall stand disposed of.

14.05.2026
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No