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SLP(C)No. 4376-4377 OF 2003
ITEM No.209

Court No. 9

SECTION IVB
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.4376-4377/2003

(From the judgement and order dated 17/10/2002 in CWP 16614/02
and order dt. 16.1.2003 in R.A. 3/2003 of The HIGH COURT OF
PUNJAB & HARYANA AT CHANDIGARH)

PARAMJIT SINGH JAGGI

Petitioner (s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 14/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s) Mr. Ranjit Kumar, Sr. Adv.
Mr. S.M. Sarin, Adv.

Mr. P.N. Puri, Adv.

For Respondent (s)

Mr. R.S. Suri, Adv.

Mr. Ajay Majithia, Adv.
Mr. Shekhar K. Sinha, Adv.
Dr. Kailash Chand, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Heard learned counsel for the parties for twenty minutes.

The appeals are disposed of in terms of the signed order.

(R.K. DHAWAN)(VEERA VERMA)
COURT MASTER COURT MASTER
(Singed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2003
(Arising out of SLP(C) Nos.4376-4377 of 2003)

Paramjit Singh Jaggi.... Appellant.

Versus

State of Punjab & Ors..... Respondents.

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant was originally working as Assistant Corporation Engineer and on 20-2-2001 he was appointed as a Design Engineer (Corporation Engineer Design) in the Municipal Corporation Jal andhar. On 4th October, 2002 the appointment of the appellant as Design Engineer was withdrawn and aggrieved by the same the appellant filed a writ petition. The Division Bench of the High Court held that the appointment of the appellant being on ad hoc basis, the appellant was not entitled to get the reliefs sought for. The Division Bench also observed that the appointment was mala fide exercise of power and favoritism had been shown in the matter of appointment by the authorities. Aggrieved by the same the present appeal is filed.

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The counsel for the appellant points out that before the impugned order was passed he was not heard and it is also stated that the appointment of the appellant was preceded by the procedure approved by the authority and he was appointed as he was the only candidate available for the post.

These facts are denied by the counsel for the State. However, it is clear that the appellant was not given any notice before the impugned order was passed. We feel that the appellant should have been heard before the impugned order was passed. Hence we direct the Secretary, Government of Punjab, Department of Local Government, to issue notice to the appellant to show cause as to why he should not have been reverted and reasonable opportunity be afforded to the appellant and the Secretary shall pass appropriate orders regarding filling up of the post of Design Engineer in the municipality. The impugned order dated October 4, 2002 is set aside for this limited purpose. The appeal is accordingly disposed of.

.....J
(K.G. BALAKRISHNAN)

.....J
(B.N. SRIKRISHNA)

NEW DELHI;
NOVEMBER 14, 2003