SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS

WPSS/3693/2018
with
WPSS/3708/2018
WPSS/3709/2018
WPSS/3711/2018
WPSS/3712/2018
WPSS/3713/2018
WPSS/3714/2018
WPSS/3715/2018

Hon'ble Manoj Kumar Tiwari, J.

Mr. Siddhant Manral, Advocate for the petitioners.

2. Mr. Pradeep Hairiya, Standing Counsel for the State of Uttarakhand/ respondents.

3. Since common questions of law and fact are involved in these petitions, therefore, they are being heard and decided together. However, for the sake of brevity and convenience, facts of WPSS No. 3693 of 2018 alone are being considered and discussed.

4. Mr. Kuldeep Sharma (petitioner in WPSS No. 3693 of 2018) was engaged as Seasonal Collection Amin in 1998. In the year 2016, he filed WPSS No. 1570 of 2016, which was allowed and the competent authority were directed to consider his case for regularisation on the post of Collection Amin from the date his juniors were regularised.

5. Pursuant to the said judgment, services of the petitioner were regularised, vide order dated 08.01.2018, passed by District Magistrate, Haridwar. Subsequently, the

Chief Development Officer, Haridwar cancelled petitioners' regularisation, vide order dated 18.10.2018. Thus, feeling aggrieved, petitioner has approached this Court, challenging the cancellation order.

6. Learned counsel for the petitioner submits that petitioner acquired regular status in terms of regularisation order, therefore, that status could not have been withdrawn without affording reasonable opportunity of hearing to him. He submits that neither any notice nor opportunity of hearing was given to the petitioner before passing the impugned cancellation order. He further submits that the District Magistrate passed the regularisation order, therefore, Chief Development Officer, who is subordinate to District Magistrate, was not competent to cancel the regularisation order.

7. Learned State Counsel, per contra submits that a preliminary inquiry was held in which petitioner participated, therefore, it is sufficient compliance of principles of natural justice and no further hearing is needed to be given. He further submits that since the work of revenue collection of the petitioner was not up to the mark, moreover he had served for lesser number of years compared to other Seasonal Collection Amins who were left out from being regularised, therefore, the competent authority was justified in cancelling the order of regularisation, passed in his favour.

8. This Court is not impressed by the submissions made by learned State Counsel.

9. A preliminary inquiry is merely a fact-finding inquiry and merely because petitioner's presence was noted in the preliminary inquiry report, will not validate an otherwise invalid order. Law is well settled that any order, which entails civil or evil consequences to a person, can only be passed after giving reasonable opportunity of hearing to him. If the competent authority proposed to cancel the regularisation order passed in favour of petitioner, then it was incumbent upon him to first issue a show cause notice to him, informing him of the grounds on which cancellation of regularisation was proposed, then only petitioner could have made an attempt to defend his position, although the final order would be passed by the competent authority. Since this was not done in the present case, therefore, on this short point alone, the impugned cancellation order is liable to be set aside and is hereby set aside.

10. The writ petitions are allowed. The competent authority, however, shall be at liberty to pass fresh order, but only after providing reasonable opportunity of hearing to the petitioners.

(Manoj Kumar Tiwari, J.)
11.03.2026

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NAVEEN CHANDRA

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