

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

MUKESH KUMAR SALUJA
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**CWP No.24208 of 2012
Date of decision:10.02.2015**

Harjit Singh and others

...Petitioners

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Vikas Chatrath, Advocate for the petitioners.

Mr.Rakesh K. Nagpal, Advocate for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Learned counsel for the respondents submits that relief sought by the petitioners in present writ petition has already been granted to petitioners No. 1 to 4 and 6 to 8, during the pendency of this writ petition rendering the present writ petition as infructuous qua these petitioners No. 1 to 4 and 6 to 8. He further submits that so far as petitioner No.5 is concerned, he has not been found entitled for the relief claimed by him.

On the other hand, learned counsel for the petitioners refers to the impugned order (Annexure P-3) to contend that the impugned order was passed qua petitioner No.5 also but copy was not supplied to him. He further submits that since it is undisputed on record that the impugned order issued qua petitioner No.5, similar to the one as placed on record Annexure P-3, was passed without issuing even a show-cause notice, the impugned order was patently illegal.

Faced with the above, learned counsel for the respondents also

fairly states that liberty may be granted to the respondent authorities to issue a show-cause notice to petitioner No.5 and for passing of an appropriate order thereafter.

In view of the above-said respective stands taken by the learned counsel for the parties, present writ petition is allowed. The impugned order (Annexure P-3) is set aside as the same has been found to be violative of basic principles of natural justice. The matter is remitted back to the respondent authorities granting them liberty to pass a fresh order after issuing a show-cause notice to petitioner No.5 and also to other petitioners, if necessity arises. Thereafter, petitioners would be entitled to submit their reply to the show-cause notice. The competent authority shall be at liberty to pass fresh appropriate orders, strictly in accordance with law.

With the above-said observations made and directions issued, instant writ petition stands allowed, however, with no order as to costs.

10.02.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE