

CWP No. 569 of 2015

:-1:-

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

CWP No. 569 of 2015

Date of decision : 14.01.2015

Gurmeet Singh

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Ms. Veneet Sharma, Advocate
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that in terms of order dated 10.10.2014, passed by this Court (Annexure P4), the petitioner had duly sent a reply, dated 16.10.2014, to the show cause notice issued to him on 26.09.2014, though the said reply was actually posted on 21.10.2014 by registered post, with acknowledgment due. A postal receipt was also obtained, the number of which is given in the copy of the reply annexed with the petition, i.e. Annexure P-5.

Learned counsel for the petitioner has also produced in Court, what is stated to be the original receipt.

Despite the above, the impugned order dated 20.11.2014 (Annexure P6), has been passed, stating therein that no reply to the show cause notice was received and as such, it is clear that the petitioner does not

want to say anything with regard to the punishment proposed to be issued to him, vide the aforesaid notice, and consequently, a punishment of stoppage of pension has been imposed by him.

Thus, as per what has been contended by learned counsel for the petitioner and as per the receipt produced in Court, it seems that the petitioner did file a reply to the show cause notice issued to him, which may possibly not have been delivered to respondent No. 1 though it is difficult to understand as to why it was not so delivered, by the postal authorities.

This petition is, consequently, disposed of, with a direction that the petitioner shall appear personally before respondent No. 1 on 19.01.2015 and personally submit his reply to the show cause notice, upon which respondent No. 1 shall take a decision, by passing a speaking order within 3 weeks thereafter, taking into consideration all that the petitioner would state in reply to the show cause notice. Till then, the operation of the impugned order shall remain in abeyance.

In case an order again imposing the same punishment is passed by respondent No. 1, the impugned order would become operational thereafter, subject to any remedy available with the petitioner against the said order.

It is made clear that nothing, on merits, is being stated with regard to what the petitioner has to say in reply to the show cause notice issued to him.

A copy of this order be given to the learned counsel for the petitioner, under the signatures of the Court Secretary of this Court.

14.01.2015

amit rana

**(AMOL RATTAN SINGH)
JUDGE**