

CWP No.19767 of 2013

[1]

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

CWP No.19767 of 2013

Date of decision:23.11.2016

Panipat Handloom Sales Promotion Federation & Anr. ...Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Harkesh Manuja, Advocate,
for the petitioners.

Mr. P.P.Chahar, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking quashing of the communication dated 19.07.2013 whereby the office of respondent No.3 has directed respondent No.10 to get an FIR registered against the President and Vice-President of the petitioner-Federation for submitting bogus bills and mis-utilization of the grant-in-aid.

At the threshold, counsel for the petitioners has submitted that the impugned order has been passed without following the principle of natural justice as no opportunity of hearing was given to the petitioners before passing the impugned order. It is submitted that this fact has been admitted by the respondents in para no.10 of the reply.

Learned State counsel could not deny the reply in which it is specifically mentioned that no show cause notice was given to the petitioners before taking the extreme step of registration of FIR against the President and Vice-President of the Federation.

CWP No.19767 of 2013

[2]

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that justice should not only be done but should be seemed to have been done and in that process, the principle of natural justice has to be followed much-less the principle of *audi alteram partem* which requires that no order, may be administrative, be passed without affording an opportunity of hearing which may affect a citizen in his civil life, as has been held by the Supreme Court in the case of **State of Orissa vs. Dr. (Miss) Binnapani Dei and others**, 1967 AIR 1269.

Thus, in view of the aforesaid facts and circumstances, the present petition is hereby allowed and the impugned order Annexure P-21 is set aside. However, the case is remanded back to respondent No.3 to decide the case afresh by passing a speaking order after giving an effective opportunity of hearing to the petitioners.

November 23, 2016
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(Rakesh Kumar Jain)
Judge