

C.W.P No. 19925 of 2016

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 19925 of 2016

DATE OF DECISION: 27.09.2016

Rajinder Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Atam Prakash Setia, Advocate
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

DAYA CHAUDHARY, J.

The petitioners are aggrieved by the issuance of show cause notices dated 14/15.9.2016 as only on the basis of pendency of the contempt proceedings, show cause notices have been issued to them.

Learned counsel for the petitioners contends that there was no concealment or misrepresentation on the part of the petitioners and no reason whatsoever has been mentioned in the impugned order. Simply it has been mentioned in the show cause notices that interim order passed in C.W.P. No. 2682 of 2009 titled as **Puran Chand and others Vs. State of Punjab and others** has been violated. Learned counsel further contends that from the language of the show cause notices, it is apparent that the respondent-authorities have made up their mind to terminate the services of the petitioners and filing of reply is merely a formality.

Learned counsel for respondent-State submits that reply of the show cause notices has not been submitted so far and the stand of the petitioners would be considered in case reply is filed, which is to be filed within a period of 15 days from the date of issue of show cause notices i.e. 14/15.9.2016.

On perusal of impugned show cause notices as well as other documents available on the file, it appears that the respondent-authorities have not applied their mind while issuing show cause notices. It has not been mentioned in the show cause notices that any misrepresentation or concealment was there on the part of petitioners. Simply by mentioning that interim order passed in C.W.P. No. 2682 of 2009 has been violated and contempt petition is pending, show cause notices have been issued to the petitioners.

Admittedly, the petitioners have not filed reply of the show cause notices and the present petition has been filed before filing of reply of the show cause notices, whereas, the same was to be filed within 15 days from the date of issue of show cause notices i.e. 14/15.9.2016.

Accordingly, in view of the submissions made by learned counsel for the parties, the present petition is disposed of with a direction to the respondents that in case reply is filed by the petitioners of the show cause notices within a period of one week from today, necessary order be passed by considering the stand taken in the reply within a period of two weeks from the date of receipt of copy of reply of the show cause notices.

However, it is directed that till any decision is taken after considering the reply of the show cause notices, no adverse order is to be passed. It is also made clear that in case the petitioners are necessary to be

C.W.P No. 19925 of 2016

(3)

heard in person they should be given an opportunity.

In case the petitioners are still aggrieved by the action of the respondents, they are at liberty to avail appropriate remedy.

September 27, 2016
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No