

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23668 of 2016
Date of decision: 16.11.2016

Akshay Verma and another

... Petitioners

Vs.

Punjab National Bank and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ashwani Kumar Chopra, Senior Advocate with
Mr. Akshit Chaudhary, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioners have approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

Learned senior counsel for the petitioners submits that against the impugned communication dated 19.10.2016 (Annexure P-1), petitioners submitted their self-contained reply dated 04.11.2016 (Annexure P-2), reserving their right to make a detailed representation after receipt of requisite documents, pointed out by the petitioners in Annexure-1 attached with their reply (Annexure P-2). He further submits that petitioners have not been supplied the necessary documents so far and the next date of meeting of the Committee-respondent No.2 is scheduled to be held on 17.11.2016, which is clear from Annexure P-3 (colly.). Learned senior counsel for the petitioners would next

contend that in the absence of necessary documents, being sought by the petitioners, they would be feeling handicapped in putting their effective defence before the respondent authorities, which is likely to cause manifest injustice to the petitioners. When the respondent authorities were not supplying the documents to the petitioners, they also moved an appropriate application on 04.11.2016 vide Annexure P-5 under Right to Information Act, 2005, but still no documents are being supplied. After waiting for some time, petitioners approached respondent No.1 by way of reminder dated 09.11.2016 (Annexure P-6) but to no avail. Learned senior counsel for the petitioners concluded by submitting that let respondent No.1 be directed to supply the documents, pointed out by the petitioners in Annexure-1 attached with their reply (Annexure P-2) at an early date, enabling the petitioners to submit their detailed and effective reply to the notice (Annexure P-1) and till then, respondents may not take any punitive action against the petitioners.

Having heard the learned counsel for the petitioners and without expressing any opinion on merits of the case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of, with a direction to the respondent authorities to supply the documents already pointed out by the petitioners in Annexure-1 attached with their reply dated 04.11.2016 (Annexure P-2) and also the additional documents pointed out by the petitioners in their RTI application (Annexure P-5) at an early date and in any case within a period of two weeks from the date of receipt of certified copy of this order. Thereafter, petitioners shall be granted a period of 10 days to furnish their detailed and effective reply. It is also directed that after receiving the reply from the petitioners and before passing appropriate order, the competent authority shall

grant an opportunity of being heard to the petitioners.

However, keeping in view the peculiar facts and circumstances of the case noticed hereinabove and also to ensure that petitioners may not be condemned unheard, the competent authority is directed not to pass any punitive order against the petitioners without supplying the necessary documents and granting them an opportunity of being heard. When the respondents authorities shall grant an opportunity of being heard to the petitioners, they shall also be entitled to represent through an Advocate, in view of the law laid down by a Division Bench of Delhi High Court in **Punjab National Bank and others Vs. Kingfisher Airlines Limited and others, (2016) 154 DRJ 164 (DB)**.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

16.11.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No