

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

Sr. No.122

CWP No.7873 of 2016

Date of decision: 28.04.2016

Rakesh Sharma

....Petitioner

versus

The State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sunny Bhardwaj, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition, the petitioner seeks quashing of show cause notice dated 08.04.2016 (Annexure P-3) vide which he has been proposed to be reverted from the post of Assistant Excise and Taxation Officer (AETO) to the post of Taxation Inspector (T.I.) on the ground that he has not passed the departmental examination.

Since the present petition has been filed to quash a show cause notice to which the petitioner has filed a detailed reply upon which no final order has yet been passed, the present petition is clearly premature, warranting no interference at this stage. However, respondent No.1 who has issued show cause notice to the petitioner is directed to take a final decision in the matter after considering all the issues raised by the petitioner in his reply including the exemptions granted from passing of departmental examination to similarly situated employees and the fact that he is permanently disabled to the extent of 90% also that the final order be

passed after granting opportunity of hearing to the petitioner and in case, the same is adverse to the rights of the petitioner, in the peculiar facts of the case, it be kept in abeyance for a week from the date it is communicated to the petitioner, enabling him to avail his remedy to challenge the same in accordance with law, if so advised.

(DEEPAK SIBAL)
JUDGE

April 28, 2016

Jyoti 1