

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5179 of 2017**

Halima Begum W/o Shri Shamim Qureshi, Aged About 38 Years Presently
 Posted As Sub-Inspector (M), Special Branch, Bhilai, District Durg,
 Chhattisgarh, R/o House No.36/84, Civil Lines, Kasaridih, District Durg,
 Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Home Department, Mantralaya,
 Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh
2. Director General Of Police, Police Headquarters Naya Raipur, Raipur,
 Chhattisgarh
3. Additional Director General Of Police Intelligence, Police Headquarters Naya
 Raipur, Raipur, Chhattisgarh
4. Deputy Inspector General Of Police Intelligence, Police Headquarters Naya
 Raipur, Raipur, Chhattisgarh **---- Respondents**

And**WPS No. 5181 of 2017**

Kalim Uddin S/o Late Shri Farid Uddin, Aged About 37 Years Presently Posted
 As Sub Inspector (M), Special Branch, Police Headquarters Raipur,
 Chhattisgarh, R/o House No. 608/3, Behind Vrindaban Complex Jethabadi,
 Moudhapara, Police Station Maudhapara, District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Home Department, Mantralaya,
 Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh.
2. Director General Of Police, Police Headquarters, Naya Raipur, Raipur,
 Chhattisgarh.
3. Additional Director General Of Police, Intelligence, Police Headquarters Naya
 Raipur, Raipur, Chhattisgarh.
4. Deputy Inspector General Of Police, Intelligence, Police Headquarters Naya
 Raipur, Raipur, Chhattisgarh. **..Respondents**

For Petitioners	:	Mr. Mateen Siddiqui, Advocate
For Respondent/State	:	Mr. Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/09/2017

The matter is heard finally with the consent of both the parties.

1. The aforesaid two writ petitions have been filed by the petitioners against show cause notice dated 19.09.2017 by which the petitioners have been asked to submit reply against proposed action of issuance of fresh merit list and consequent reversion of the petitioners.
2. The submission of learned counsel for the petitioners is that show cause notice is absolutely vague. It does not state as to what was the defect in the earlier promotion and what is the anomaly in the seniority list and promotion roster. Therefore, it is contended, show cause notice is only an empty formality. The petitioners earned promotion way back in the year 2011. The right to be afforded an opportunity of hearing before proposed action of revision of merit list and consequent serious action of reversion, is not an empty formality. Unless the petitioners know the precise reason for such alleged defect for anomaly, they are not in a position to submit their reply effectively.
3. Learned State counsel submits that if that be the objection of the petitioners, this Court may consider issuing appropriate direction for giving appropriate show cause notice before proposed action.
4. After hearing learned counsel for the parties and going through the contents of impugned show cause notices given to respective petitioners, I have no hesitation to hold that this show cause notices are mere empty formality. The show cause notices do not indicate as to what was the defect which is alleged to have crept in earlier process of selection and promotion. The show cause notice also does not specify as to what is that anomaly in the seniority list or promotion roster. In the absence of there being any defect whatsoever, no one can effectively reply and defend the procedure followed earlier in the matter of promotion. The petitioners continue to be in dark as to what is the basis for proposed action of revision of earlier select list and consequent cancellation of promotion of the petitioners. The object and purpose of giving show cause notice is to afford an opportunity to the person likely to be affected to offer an explanation as to why the proposed action should not be taken. Unless reasons and the basis for proposed action are disclosed in sufficient detail in the

show cause notice itself, the object and purpose of affording an opportunity of hearing would be frustrated. This is what has happened in the present case.

5. Submission of learned counsel for the petitioners that the show cause notice is empty formality and the issue appears to have been prejudged by the respondent authority and without disclosing the basis for such decision, the petitioners have been asked to submit a reply.

6. In that view of the matter, the impugned notices cannot be made a basis to take any adverse action against the petitioners either towards revision of the select list or cancellation of their promotion. Promotion is a hard-earned reward for employee in the service and cannot be taken away in such a light manner as is sought to be done in the present case.

7. In the result, the impugned show cause notices are required to be quashed with the liberty to the respondents to giving proper show cause notice giving specific reasons for alleged defect in the promotion and anomaly in the seniority and promotion roster. After affording an opportunity of hearing in the true sense, it would be open for the respondents to proceed further in the matter to take appropriate decision in accordance with law.

8. With the aforesaid directions, the petitions are finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha