

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

**CWP No.11351 of 2017
Date of decision:23.05.2017**

Gurpreet Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Mandeep K. Sajjan, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The grievance of the petitioner is that in pursuance to the show cause notice (Annexure P-3) received under the provisions of Section 16 of the Punjab Municipal Act, 1911 for appearance on 15.05.2017 in the office of Punjab Municipal Bhawan, Sector 35-A, Chandigarh, he has submitted an application for supply of the proceedings alleged to have not been attended by him to belie the stand taken in the notice but the same has not been supplied, though the interim reply (Annexure P-6) has been submitted without inspection of the record. On instructions from his client, he submits that the petitioner has been called for appearance today at 2.00 P.M in the aforementioned office but the petitioner would not be able to put across his defence in the absence of supply of material.

I have heard learned counsel for the petitioner, gone through the record and of the view that though the petitioner has also submitted

interim reply and medical record to show bonafide of absence of one meeting but there was no consecutive absence from the meeting. The State Government would not be in a position to cause removal as per the provisions of Section 16 of the Punjab Municipal Act, 1911 but the same can only be projected only when the medical record was communicated. I am of the view that the petitioner should be given a chance to produce the medical record before the Competent Authority, who shall ensure that he is being given a chance to point out the alleged ambiguity in view of the issuance of show cause notice, much less purported defence (Annexure P-6), in other words, the Director, Local Bodies shall call for the record at the time of affording of opportunity of hearing and browse the same before passing any order.

Accordingly, the writ petition stands disposed of.

A photocopy of this order be given dasti to the learned counsel for the petitioner as the petitioner has to appear today at 2.00 P.M in the office of Punjab Municipal Bhawan, Sector 35-A, Chandigarh.

(AMIT RAWAL)
JUDGE

May 23, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No