

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13834-2017 (O&M)

Date of decision: June 23, 2017.

Robin Goyal

... **Petitioner**

v.

State of Punjab and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Dr. Rau P.S. Girwar, Advocate for the petitioner.

Shri T.N. Sarup, Additional Advocate General, Punjab.

A.B. Chaudhari, J. (Oral):

Rule. Respondent-State of Punjab waives service. Heard forthwith with the consent of counsel for the rival parties.

In the interest of justice, the main petition is taken up for final disposal looking to the nature of controversy that is involved in the petition. It appears that large number of candidates were selected and appointed in the year 2015. It appears that thereafter the Government constituted a committee of four members to find out the alleged fraud in the matter of recruitment process of those persons. The committee came to the conclusion that fresh recruitment process will have to be undertaken and in so far as the employment of the appointees, including the petitioner is concerned, the Hon'ble Chief Minister of the State made an order (Annexure P-7) by way of office note which reads thus: -

"It shall be inappropriate to continue with the services of the

candidates whose selection has been found to be vitiated by the committee headed by Secretary vigilance. Accordingly the services of such candidates may be dispensed with without further delay after following “due legal process.”

Since the petitioner and other persons were appointed in the year 2015, there may be some semblance of right in them to have the principles of natural justice followed by the State machinery before dispensing with their services. That is why, Hon'ble the Chief Minister has directed to follow the due legal process. Since the recommendation of the committee was to undertake fresh recruitment process and obviously to dispense with the services of the persons already appointed, the Department concerned ought to have issued show cause notices to all the appointees. However, the petitioner and others have filed writ petitions in this Court and have obtained interim orders.

In my opinion, to cut short the controversy, the department concerned ought to have followed the order dated 9.5.2017 (Annexure P-7) made by Hon'ble the Chief Minister to follow the due legal process. If the department does not follow the due legal process, that is bound to lead to multiplicity of litigation. In that view of the matter, the concerned department (PUNSUP) is directed to follow the orders issued by the Hon'ble Chief Minister on 9.5.2017 by which the department was asked to follow due legal process, means to issue show cause notice to all the candidates including the petitioner and thereafter obtain their replies and thereafter to take decision, if necessary after hearing them and upon perusing the entire record. The concerned department is therefore directed to take up the

matter; issue show cause notices with necessary documents to all the appointees within a period of one month from today and call the explanation from such appointees within 15 days therefrom and thereafter take a decision within one month and communicate the same to all the appointees. In any case, the entire process shall be completed within three months from today and decision taken shall be placed before this Court for further orders. All the petitions shall be listed before this Court along with the decision taken.

In the meanwhile, in so far as the petitioner is concerned, there shall be status quo as to his services.

Rule is partly made absolute.

No costs.

June 23, 2017.

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[A.B. Chaudhari]
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No