

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

**Civil Writ Petition No.23797 of 2017
Decided on : 13.10.2017**

Shiv Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Anil Kumar Sharma, Advocate
for the petitioners.

G.S. Sandhawalia, J. (Oral)

The petitioners challenge the show cause notices dated 22.09.2017 (Annexure P-8 colly.) and 02.10.2017 (Annexure P-9 colly.) vide which respondents have proposed to withdraw the benefit of Own Rank Promotion under ORP Policy dated 27.03.2008 (Annexure P-5). The grouse of the petitioners is that without supplying copies of Review Committee Report and other requisite documents in total violation of principles of natural justice, the respondents are proceeding forth.

Reliance has been placed upon the order dated 06.10.2017 passed in **CWP No.22869 of 2017 'Virender Singh and others Vs. State of Haryana and others'** wherein in similar circumstances the employees have been protected to the extent that appropriate opportunity would be granted for supply of documents and thereafter the respondents would proceed to decide the issue by noting that the principles of natural justice is not mere empty formality. The relevant portion of the said order reads as under:-

“The principle of natural justice is not mere empty formality, which has to be followed by the respondents. The first step is to issue show cause notice and the second is the reply and thereafter an order is to be passed. It is not in dispute that the petitioner was promoted way back on 22.08.2014 and a period of more than three years has expired since then. No tearing hurry as such would further the interest of justice and it would be the duty of the official respondents to supply the necessary documents which have been asked for so that the petitioners can send their replies accordingly. It would not only assist the official respondents also in deciding the issues in a more broad based manner rather than deciding by a pre-judged mind.

Resultantly, the directions are issued to the official respondent Nos. 5 and 6, Deputy Commissioner of Police of Gurgaon and Faridabad that the necessary documents which have been asked for or which the petitioners would ask for as demonstrated in case of petitioner No.2 be supplied to them in case the record is not bulky. The petitioners, if have not asked for, will within a period of one week from today ask for the necessary documents which would be supplied to them within a period of ten days thereafter or provision would be made for inspection of the record. On the receipt of the said documents the petitioner's will, thereafter, file their replies by 6th November, 2017 to the show cause notices and on the basis of the replies received it will be open to the State to proceed against the show cause notices and pass appropriate orders by taking into consideration the defence of the petitioners.

With the above said observation the present writ petition is accordingly disposed of, with direction to keep the show cause notices pending till then.”

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice on

behalf of the respondents. Copy of the paper-book has been supplied to her.

Accordingly, the present writ petition is also disposed off in the same terms as noticed above. However, the time is extended to the petitioners to file their replies by 16.11.2017, in view of the fact the earlier order was passed on 06.10.2017.

OCTOBER 13, 2017

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No