

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 23995 of 2017
Date of decision: 24.10.2017

Ashok Kumar and others

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. R.S. Kundu, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioners, who are 31 in number, seek quashing of the show cause notices (Annexure P-8 colly) whereby, the respondents are proposing to withdraw the benefit of one rank promotion under ORP policy dated 27.03.2008 (Annexure P-5).

The case of the petitioners, in principle, is that the same is being done without supplying the copy of the Review Committee Report; recommendation made by the concerned Deputy Commissioner of Police; recommendation made by the concerned Commissioner of Police; recommendation made by the PHQ Level Departmental Promotion Committee and approval granted by the then Director General of Police which is totally in violation of the principles of natural justice.

Counsel has pointed out that in similar circumstances, similarly situated officials have been given the benefit of protection vide order dated 06.10.2017 passed in ***CWP No. 22869 of 2017, Virender Singh and others vs. State of Haryana and others*** (Annexure P-10). He submits that he

would be satisfied if similar relief is granted. The relevant observations in *Virender Singh's case (supra)* read thus:-

“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 the asking of the Court. Copy of the writ petition has been supplied to her.

Accordingly, the present writ petition is disposed of in the same terms as in *Virender Singh's case (supra)* by directing that the petitioners will ask for the record within a period of one week from today, which will be supplied to them by respondents no. 4 and 5, Superintendents of Police, Rohtak and Jhajjar district within a period of 10 days thereafter. In case the record cannot be supplied due to its volume, a provision would be made for inspection of the same by the petitioners. On receipt of the said documents/inspection, the petitioners will thereafter file their replies by 23.11.2017 to the show cause notices and on the basis of the replies received, the respondents will proceed against the said show cause notices and pass appropriate orders by taking into consideration the defence of the petitioners. It is further directed that the respondents shall keep the show cause notices pending till the said exercise is completed.

24.10.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No