

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

CWP No. 25299 of 2017

Date of Decision: 13.11.2017

GURPREET SINGH

... Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. RAKESH KUMAR JAIN

Present: Mr. Vikram Singh, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has challenged the orders dated 05.06.2017 and 25.09.2017 vide which he has been suspended without affording any opportunity of hearing and the statutory appeal against the said order dated 05.06.2017 has also been dismissed.

The only arguments raised by the learned counsel for the petitioner is that though the petitioner had to appear on 05.06.2017 at about 3 P.M. before the Director, Department of Rural Development and Panchayats, Punjab but he had received the intimation on 06.06.2017. He has also placed on record a true copy of the envelope having endorsement of the post office to the effect that it was delivered on 06.06.2017. Learned counsel for the respondents has not disputed the same. Therefore, arguments of the petitioner is justified that he could not appear before the Director, Department of Rural Development and Panchayats, Punjab when he was placed under suspension because he was not aware of the pending proceedings. Moreover, when he files the appeal against the said order, this argument was not appreciated by the authority and the appeal was accordingly dismissed.

I have heard learned counsel for both the parties and after examining the record, am of the considered opinion that once there is no

dispute that the intimation to appear on 05.06.2017 was received by the petitioner on 06.06.2017. Therefore, no fault can be attributed to him for not putting in appearance and thus, entire proceedings carried out against him behind his back is hit by the principles of natural justice which provides that nobody should be condemned without hearing and authorities have to follow the principles of *audi alteram partem*.

Accordingly, impugned orders dated 05.06.2017 and 25.09.2017 i.e. placing the petitioner under suspension as well as dismissing the appeal are hereby set aside and the matter is remanded back to the Director, Department of Rural Development and Panchayats, Punjab to grant an opportunity of hearing to the petitioner while taking decision as to whether the petitioner deserves to be placed under suspension or not. Parties are directed to appear before Director, Department of Rural Development and Panchayats, Punjab on 30.11.2017.

In view of the above, the petition is disposed of.

November 13, 2017
Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :	✓ Yes	/	No
Whether Reportable :	Yes	/	No