

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

118

CWP No.25444 of 2017

Date of decision: 08.11.2017

EASI Karamvir Singh No.833/BWN

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Sat Narain Yadav, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks quashing of the order dated 28.06.2017 (Annexure P-2), passed by respondent No.4, vide which, promotion of the petitioner has been withdrawn, on the ground that he has been promoted within the currency of the punishment period, inadvertently.

The ground for challenge is that there is no show cause notice issued to the petitioner while withdrawing the promotion order dated 06.05.2017 (Annexure P-1), just within a period of less than 2 months. In the impugned order also, there is no mention that any show cause notice had been issued or any opportunity of hearing was given to the petitioner before passing the order, adverse to his interest. It is settled principle that the principles of natural justice have to be adhered to, especially when there is a withdrawal of any civil right.

Notice of motion.

Mr.Harish Rathee, Sr.DAG, Haryana accepts notice on behalf of the respondents. Copy of the paperbook has been supplied to him.

In view of the above, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file reply.

Accordingly, the present writ petition is allowed. The impugned order dated 28.06.2017 (Annexure P-2) is quashed. It is, however, open to respondent No.4 to proceed in accordance with law, by issuing proper show cause notice and giving adequate opportunity to the petitioner to represent against the proposal, as such, to withdraw the promotion.

08.11.2017

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

Sailesh

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No