

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

CWP No.3106 of 2017 (O&M)

Date of Decision: 08.03.2017

Gurwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. M.K. Saajan, Advocate
for the petitioner.

Ms. Lavanya Paul, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking a writ, order or direction especially a writ in the name of certiorari for quashing the order dated 04.01.2017.

The petitioner herein, applied for the post of Constable, pursuant to an advertisement and on being successful, was offered appointment on 20.12.2016. On joining, he was sent for the basic training course at PAP Bahadurgarh, District Patiala, however, vide the impugned order dated 04.01.2017, the petitioner was ordered to be discharged from service, without any adequate reasons and was placed on the waiting list. Aggrieved, the instant writ petition has been filed.

Notice of motion was issued. Pursuant thereto, appearance has been put in on behalf of the respondents.

Ms. Lavanya Paul, AAG Punjab, appearing on behalf of respondent No.2, on instructions from Mr. Sarabjit Singh, Senior Assistant o/o DGP Punjab, informs that the impugned order dated 04.01.2017 has been revisited and a decision has been taken thereon to withdraw the impugned order, since the same could not be issued, without a show cause notice. It has further been decided that if any action is to be taken against the petitioner, a show cause notice will be issued and adequate opportunity of hearing will be given to the petitioner, before any adverse orders are passed. A copy of communication addressed to the office of Advocate General, Punjab has been brought on record to this effect.

I have heard learned counsel for the parties.

Admittedly, the impugned order dated 04.01.2017 has been issued, without following the rules of natural justice and giving any adequate opportunity to the petitioner to deny this. Therefore, in view of the above, the impugned order dated 04.01.2017 is hereby set aside, giving liberty to the respondents herein to issue fresh notice to the petitioner, who will be provided full opportunity of hearing, before any adverse orders are passed.

The writ petition stands allowed accordingly.

March 08, 2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No