

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

**CWP No. 4146 of 2017
Date of Decision: 15.03.2017**

Amrinder Singh

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B. S. Sidhu, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 08.12.2016 issued by respondent No. 3 and order dated 10.12.2016 (Annexure P-4) passed by respondent No. 4 whereby appointment letter dated 22.11.2016 (Annexure P-2) and appointment order dated 23.11.2016 (Annexure P-3), issued to the petitioner herein, have been set aside.

The petitioner herein, applied for the post of Constable, pursuant to an advertisement and on being successful, was offered appointment on 22.11.2016. On joining, he was sent for the basic training course at Police Training Centre, Ladda Kothi, Sangrur, however, vide the impugned order dated 10.12.2016, 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.

Mr. Rupam Aggarwal, DAG, Punjab, on instructions received from the office of DGP, Punjab, informs that the impugned order dated 10.12.2016 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 the communication dated 10.03.2017 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 10.12.2016 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 10.12.2016 (Annexure P-4) 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 15, 2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No