

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Writ Petition No.7702 of 2017  
Date of Decision: April 18, 2017

Rajbir Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

Present: Mr.Ashish Aggarwal, Senior Advocate with  
Mr.Bikram Chaudhary, Advocate,  
for the petitioner.

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**AMIT RAWAL, J. (Oral)**

Notice of motion.

Mr.Rajbir Singh, Assistant Advocate General, Haryana accepts notice on behalf of the State, whereas Mr.Abhilaksh Grover, Advocate, who is present in the Court, accepts notice on behalf of respondent No.3.

The challenge in the present writ petition is to the enquiry report dated 15.3.2017 (Annexure P-8) and show cause notice dated 30.3.2017 (Annexure P-9).

Mr.Ashish Aggarwal, learned Senior Counsel assisted by Mr.Bikram Chaudhary Advocate, representing the petitioner submits that against the order of suspension, the petitioner had availed the remedy of appeal and having not succeeded therein, approached this Court and this Court, vide order dated 10.3.2017 by taking into consideration the material on record, in the circumstances of the case, had kept the suspension of the petitioner in abeyance. However, copy of the order was made available

little late and by that time, the enquiry had already been culminated on 15.3.2017. The Enquiry Officer has not recorded the statement of the petitioner, much less the observations are bereft of the reasoning, much less cogent reasoning. No opportunity of defence has been given, as a result thereof, the show cause notice was issued, which has duly been replied and the petitioner apprehends that the authorities below, particularly the Deputy Commissioner concerned, shall not take into consideration the defence, much less legal pleas, which have been taken in the reply to the show cause notice and as well as in the present writ petition.

Learned Senior Counsel has also informed that against the order of this Court, private respondent No.3 has preferred LPA No.423 of 2017 titled as “Sanjay Versus State of Haryana & others” and the LPA Bench, vide order dated 21.3.2017, had stayed the order qua keeping of the order in abeyance with a right to the caveator that it shall not be taken as an expression of opinion on the merits of the controversy regarding the passing of the final order in the enquiry by the appropriate authority. He submits that the LPA had become insignificant in view of the enquiry having been culminated on 15.3.2017. In support of his contention, submits that there are certain parameters and yardsticks to be followed, which has been debated upon by the Full Bench of this Court in **Ujagar Singh Versus State of Punjab and others, 1970 AIR (Punjab) 193.**

Mr.Abhilaksh Grover, learned counsel appearing on behalf of respondent No.3 submits that today is the date fixed for consideration of the reply to the show cause notice. In case the petitioner is granted time to address the issue raised in the reply, equally so, opportunity be granted to his client to rebut the same. The aforementioned prayer of Mr.Grover, in my

view, is fair and justified.

Resultantly, I dispose of the present writ petition with a direction to the Deputy Commissioner concerned to consider the reply submitted in pursuance to the show cause notice dated 30.3.2017 (Annexure P-9) in a most objective and pragmatic manner by taking into consideration all the pleas and the legal pleas, which, the petitioner has taken, much less that of the private respondent and decide the same in accordance with law.

Since the Deputy Commissioner is seized off the matter, I deem it appropriate to convey this order through Mr.Rajbir Singh, learned Assistant Advocate General, Haryana, who shall intimate him to defer the hearing of the show cause notice by tomorrow, so that both the parties are given adequate time to address their issues and the Deputy Commissioner shall also have time to go through the observations made in this order.

Copy of this order be given *dasti* to the learned counsel for the parties under the signatures of the Reader attached to this Court.

**April 18, 2017**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable:**

**Yes/No**