

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

**CWP No.16093 of 2018 (O&M)**

**Date of Decision:17.12.2018**

Vivek Sharma

... Petitioner

Vs.

Union of India and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJIV SHARMA**

**HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present : Mr. Arjun Pratap Atma Ram, Advocate for the petitioner.

Mr. Amit Jhanji, Advocate for respondents No.1 and 2.

**RAJIV SHARMA, J.**

The petitioner has sought judicial review of order dated 31.05.2018 passed by the Central Administrative Tribunal, Chandigarh Bench (for short “the Tribunal”) in Original Application No.060/00665/2018.

The petitioner was appointed to the post of Storekeeper. Respondent No.3 had applied for the post of Store Keeper and was declared not eligible. However, he challenged his non-selection before the Tribunal by filing an Original Application. The Tribunal allowed his Original Application with directions to the respondents to consider him eligible. A show cause notice was issued to the petitioner on 2.12.2017 pursuant to which he filed his reply. Disciplinary Authority has not taken into consideration the contents of the reply. The purpose of issuance of show cause notice to the delinquent was to project his case before the competent authority before the decision. Merely stating that reply has been considered

will amount to violation of the principles of natural justice. The respondents while terminating the services of the petitioner had not complied with principles of natural justice.

Accordingly, the present petition is allowed and orders 26.5.2018 and 31.5.2018 are set aside with a liberty to the respondents to proceed with the matter in accordance with law.

It is brought to the notice of this Court at the time of hearing of the matter that the posts of Store Keeper are still lying vacant. Therefore, it is directed that case of the petitioner be also considered in accordance with law against the existing vacancies.

**(RAJIV SHARMA)**  
**JUDGE**

17.12.2018  
rajeev

**(HARINDER SINGH SIDHU)**  
**JUDGE**

**Whether speaking/reasoned**                      **Yes/No**

**Whether reportable**                              **Yes/No**