

CWP No.17013 of 2018(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17013 of 2018(O&M)

Date of Decision: 13.07.2018

Sarjit Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

The star argument advanced by Mr. Bhardwaj, learned counsel appearing for the petitioner in his challenge to the impugned order dated 15.6.2018 passed by the Inspector General of Police, South Range, Rewari is that notice and hearing was not offered to the petitioner before the order was passed and therefore, the principles of natural justice have been gravely breached. Ex-facie, on the face of the order it does appear that the contention of Mr. Bhardwaj has a ring of truth and, therefore, without expressing any opinion on the reasons assigned in the order, the order deserves to be set aside and the petitioner put back to his position and then being offered an effective opportunity of fair hearing by the authority before taking a fresh decision. This protection flows from observance of the rule of law and the principle that justice should not only be done but seen to be done.

Notice of motion.

Ms. Shruti Jain Goyal, learned DAG., Haryana accepts notice on behalf of the respondents and waives service.

Heard.

In view of the above apparent lacuna this petition is partly allowed by setting aside the order dated 15.6.2018 only on account of violation of principles of natural justice. The petitioner was not issued any notice of hearing in the matter although action taken entailed evil civil consequences adverse to his interest. The Inspector General of Police, Rewari would be at liberty to pass a fresh order in accordance with law after putting the petitioner to notice and giving him an effective opportunity of hearing on his objections which he may wish to raise in his defence, the Officer dealing with the issues in the fresh order.

(RAJIV NARAIN RAINA)
JUDGE

13.07.2018
archana/Vimal

Whether speaking/reasoned *Yes*

Whether reportable *No*