

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

CWP No. 23002 of 2018

Date of Decision: 21.09.2018

MEHAK GUPTA

..... *Petitioner*

V/s.

STATE OF PUNJAB AND OTHERS

....*Respondents*

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Vishal Gupta, Advocate
for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

Mr. Gitish Bhardwaj, Advocate,
for respondent No. 2.

Mr. F.S. Virk, Advocate,
for respondent Nos. 4 and 5.

RAKESH KUMAR JAIN, J. (Oral)

This petition is directed against the order dated 05.07.2018 by which the petitioner, who is a roller skating player, has been put under suspension for two years meaning thereby she would not be entitled to participate in any roller skating tournament/event w.e.f. September, 2017 to September, 2019.

Learned counsel for the petitioner has submitted that before passing the order of suspension by which the petitioner has been debarred from participating in any roller skating tournament for continuously two years, no show cause notice was given to her and thus, principles of natural justice i.e. *audi alteram partem* has been violated.

Learned counsel for respondents No. 4 and 5 has contested the present petition and submitted that the conduct of the petitioner was such on

the basis of which it was deemed necessary to put her under suspension. However, it is not denied that the petitioner was not given any kind of show cause notice asking her as to why she should not be placed under suspension. Learned counsel for respondents No. 4 and 5 has also, when realized that show cause notice was necessary, accepted that the impugned order may be set aside and the matter be remanded back to the competent authority for the purpose of re-hearing after giving show cause notice to the petitioner.

Keeping in view the aforesaid facts and circumstances, the present petition is allowed and the impugned order dated 05.07.2018 is hereby set aside. However, liberty is granted to the respondents to again proceed against the petitioner, if so advised, for the purpose of taking disciplinary action, in accordance with law, much less, the principles of natural justice i.e after giving show cause notice to the petitioner and after taking her reply and thereafter passing a speaking order.

September 21, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :	✓		
	Yes	/	No
Whether Reportable :	Yes	/	No