Sr. No.223
IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.5492 of 2015 (O&M)
Date of Decision: 28.11.2018

Jasbir Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Anil Ratheee, Advocate,
for the petitioners.

Ms. Safia Gupta, AAG, Haryana.

Mr. Lokesh Sinhal, Advocate,
for respondents No. 3 and 4.

ARUN MONGA, J.(ORAL)

Learned counsel for the respondents No.3 and 4 states that the present writ petition has been filed without challenging the norms on account of shortage in food grains and the consequences thereof determined vide order dated 04.04.2013 (Annexure P-16).

Per contra learned counsel for the petitioners contends that similar policy was the subject matter of decision before this Court vide ***CWP No.3230 of 1993 titled as The Punjab Warehouse Field Employees Union and others Vs. The State of Punjab and others decided on 20.07.1994*** wherein this Court had deprecated similar provisions which were made applicable by Central Warehousing Corporation for imposition of damages upon different category of employees without holding any inquiry on the

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basis of designation of the posts. Further contends that petitioners before this Court in the present writ petition are similarly situated.

Per contra learned counsel for respondents No.3 and 4 states that at this stage it is merely a show cause notice dated 19.09.2014 for recovery that has to be imposed and all these contentions are open to be raised before the competent authority pursuant to the said show cause notice and shall be decided at the time of hearing and therefore the petitioners may file their reply raising such contentions therein.

In this view of the matter, writ petition is disposed of with liberty to the petitioners to raise all such contentions as noted above in the departmental proceedings before competent authority.

Learned counsel for the petitioners states that time to file reply to the show cause notice may be enlarged as the reply could not be filed earlier due to pendency of the writ petition. Such a concession, as and when petitioners approach the competent authority, would be extended to enable them to file reply within a period of 15 days from today.

Writ petition stands disposed of.

(ARUN MONGA)
JUDGE

28.11.2018
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Whether speaking/reasoned Yes/No
Whether Reportable Yes/No

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