

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

**CWP No.8032 of 2016 (O&M)
Date of Decision : 07.02.2018**

Tara Chand

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.Suresh Redhu, Advocate for the petitioner.
Mr. Siddharth Sanwaria, DAG, Haryana.

ARUN PALLI, J. (Oral)

The petitioner has assailed the show cause notice dated 20.03.2014, vide which, certain benefits granted to him by Police Commissionerate, Gurgaon were sought to be withdrawn, as also the order dated 10.08.2015 (Annexure P-21), passed by the Director General of Police, Haryana requiring the Commissioner of Police, Gurgaon to withdraw such benefits.

In a nutshell, the case of the respondent-department is that in terms of the lien fixation policy the lien of the petitioner exist in District Faridabad in the rank of Head Constable and therefore his promotion to list D and further promotion as A.S.I. vide D.C.P. Headquarters, Gurgaon order dated 10.03.2009 was against the aforesaid policy. Concededly, the petitioner filed a reply dated 03.04.2014 (Anneuxre P-12), to the show cause notice and reiterated his claim. And, subsequently, vide order dated 10.08.2015 (Annexure P-21), even the Director General of Police Haryana required the Commissioner of Police Gurgaon to dispose of the shows cause

notice in terms of the policy dated 7.10.2010. As in the meanwhile, the petitioner had filed this petition and vide order dated 29.04.2016, operation of the order dated 10.08.2015 (Annexure P-21), was stayed, the matter was not proceeded with by the competent authority.

Having argued the matter at some length, learned counsel for the parties submit that let this petition be disposed of, at this stage, only with a direction to the competent authority to consider the response of the petitioner dated 03.04.2014 (Annexure P-12), to the show cause notice and pass appropriate orders in accordance with law. Further, if indeed there has been any subsequent development, which has a bearing on the matter, the petitioner shall be free to apprise the competent authority accordingly, and place such documents on record.

That being so, the petition is disposed of in the above terms. However, in the event, the benefits extended to the petitioner are sought to be withdrawn, the respondent authority shall pass a comprehensive order, assigning reasons thereof. And the petitioner shall also be afforded an opportunity of hearing before any such order is passed. Further, as indicated above, the operation of order dated 10.08.2015 (Annexure P-21), was stayed by this Court, the said order shall remain operative till the matter is decided by the competent authority.

07.02.2018

*Manoj Bhutani***(ARUN PALLI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No