

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

CWP-3003-2018

Date of decision-09.02.2018

Raj Kumar

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K.Arya, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of certiorari for quashing the impugned order dated 24.06.2017 (Annexure P-2) passed by respondent No.5 whereby the petitioner was compulsorily retired under Punjab Civil Services Rules 1975 and quashing of order dated 26.12.2017 (Annexure P-3) passed by respondent No.4.

Contentends that neither any show cause notice was served upon the petitioner nor any opportunity of personal hearing was afforded to him. Further, respondent No.4 was not competent to pass the impugned order without permission of the competent authority.

I have heard learned counsel for the petitioner and have gone through the case file.

Learned counsel for the petitioner does not have any explanation for the bad service record of the petitioner as referred in

Annexure P-2. At this stage, this Court is not inclined to issue notice of motion. However, considering the fact that the petitioner has served the respondent/Department for more than 23 years and the offence reflected in the chart regarding poor service record (Annexure P-2) pertains to intermittent absence alone.

In the circumstances, respondent No.3-Inspector General of Police, Border Zone, Amritsar is directed to consider the case of the petitioner in the light of the judgment passed by this Court in CWP-5602-2015 titled as “*Abhay Singh son of Shri Ram Kumar Vs. State of Haryana and others*” decided on 07.10.2016, 2017(1) S.C.T.642 by passing a speaking order within a period of three months from the receipt of certified copy of the order. In case, the competitive authority feels that the relief claimed by the petitioner is not made out, then a speaking order be passed in this regard.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

09.02.2018

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