

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

CWP-8567-2017

Date of Decision:06.02.2018

Rakesh Arora

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Ashish Grover, Advocate for the petitioner.

Ms. Sonia Sharma, Advocate for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged order dated 7.6.2013 (Annexure P-6) passed by 2nd respondent whereby the benefit of ACP has been refused and it has not been extended w.e.f 1.4.2003 as well as consequential orders dated 12.12.2013 (Annexure P-7) and 11.03.2014 (Annexure P-8).

2. Undisputedly, order dated 7.6.2013 (Annexure P-6) is without hearing the petitioner. In other words, petitioner had not been given opportunity to furnish his explanation to the impugned action of the 2nd respondent. There is a civil consequence. Thus, there is a violation of principle of natural justice. In other words, if any order or action is likely to be affected to a person, principle of natural justice is attracted. In the present case, no show cause notice was issued before impugned action of the 2nd respondent.

3. Accordingly, order dated 7.6.2013 (Annexure P-6) as well as consequential orders dated 12.12.2013 (Annexure P-7) and 11.03.2014 (Annexure P-8) are set aside. Matter is remanded to the competent authority to decide the issue involved in the present case afresh by issuing a show

cause notice to the petitioner. Petitioner is hereby directed to furnish his detail explanation on the notice to be issued by the concerned respondent. After receipt of the petitioner's explanation to the show cause notice, respondents may proceed to pass final order in accordance with law while considering each of the contention to be raised by the petitioner. The above exercise shall be completed within a period of six months from today.

4. Petition stands allowed.

06.02.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**