

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-924-2017 (O&M)

Date of Decision:-23.04.2018.

Sonu

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr.Sushil Bhardwaj, Advocate for the petitioner.

Mr. Shivoy Dhir, Central Govt. counsel for
the respondents-UOI.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the order dated 14.12.2016 (Annexure P-11).

2.) Petitioner was a candidate for recruitment to the post of Soldier (GD) category. He was selected for the post. Before issuing order of appointment his selection has been cancelled on 14.12.2016 (Annexure P-11). Such cancellation is without notice and so also no reasons have been assigned. What has been stated is that petitioner is not in merit list of Soldier (GD) category.

3.) Undisputed facts are that Annexure P-11 dated 14.12.2016 is without notice. Time and again Supreme Court and Courts have held that if any decision or order is passed against a person and if it is disadvantage to

him, in that event, necessary notice be issued. In other words, principle of natural justice is required to be complied. In the present case, Annexure P-11 reads as under:-

*“Tele Mil: 6932
Mob:01712600269*

*Recruiting Office (HQ)
Ambala Cantt
PIN-900241
C/o 56APO
14 Dec 16*

E/9/FM

*Mr. Sonu
S/o Rampal
Mohalla Mallu Pati
VPO Salwan
The-Ballah
Distt-Karnal
HR-132046*

Cancellation of candidature

- 1. Re result of sol GD declared on 13 Nov 16.*
- 2. It is intimated that you are not in merit list in the Sol GD category. Hence, your candidature stands cancelled.*
- 3. In case of any clarification you can meet the under signed on any working day.*
- 4. For your information.”*

The concerned respondent has not assigned any reasons for cancellation of petitioner's candidature. On the other hand, in the reply statement respondents have stated that petitioner has been wrongly awarded 20 marks as bonus in the common entrance exam for which he is not entitled to. Respondents could have issued a show cause notice stating that why award of 20 marks as bonus shall not be withdrawn in view of the fact that petitioner do not entitled to these marks. Respondents have unnecessarily, made the petitioner to approach this Court. Had they informed by issuing of show cause notice and passed a final order of

plea, if any, the present petition would not have been filed. In view of these facts and circumstances, Annexure P-11 dated 14.12.2016 is set aside. Respondents are at liberty to issue a show cause notice and thereafter, proceed to pass necessary order after due consideration of petitioner's plea. Such exercise shall be completed within a period of 3 months from today.

4.) Petition stands allowed with cost of ₹ 10,000/-. Cost shall be paid by the respondents to the petitioner within a period of 1 month from today.

(P.B. BAJANTHRI)
JUDGE

April 23, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.