

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

CWP No.5818 of 2019
DATE OF DECISION : 5th MARCH, 2019

Raj Singh & others **.... Petitioners**

Versus

State of Haryana and others **.... Respondents**

CORAM: HON'BLE MR. JUSTICE A. B. CHAUDHARI
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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Present : Mr. S. K. Malik, Advocate for the petitioners.

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A. B. CHAUDHARI, J. (Oral)

Rule.

Mrs. Tanisha Peshawaria, DAG Haryana waived service on behalf of the State.

Heard forthwith with consent of counsel for the rival parties.

The present petition is directed against show cause notice dated 29.01.2019 (Annexure P-11), issued by Additional Director Administration, Directorate of Elementary Education, Haryana, Panchkula-respondent No.2. The last part of the said show cause notice reads as under:

“In view of the above explained position it has been found that you have been found ineligible as per Service Rules, 2012 and it has been decided to issue Show Cause Notice to you as to why you should not be reverted back to your original post. If you want to submit your reply / representation to this Show Cause Notice, the same should be submitted within 15 days to from the receipt of the Show Cause Notice the undersigned, otherwise it shall be presumed that you have nothing to say in your favour against the action of the Department.

No further opportunity would be granted and necessary action would be taken accordingly. Final order of reversion will be passed accordingly.”

From the above, it is clear that the petitioners have been asked to file reply to the show cause notice as there is proposal to revert the petitioners on the ground that the petitioners have been found ineligible for promotion.

It is not in dispute that the petitioners were promoted to the post in question in the year 2013 and have been working since then as such. It is also not in dispute that the petitioners have filed the replies to the said show cause notice.

In view of the above circumstances we think the following order would subserve the ends of justice:

ORDER

- (i) CWP No.5818 of 2019 is disposed of.
- (ii) Respondent No.2 is entitled to decide the show cause notice, in accordance with law, after considering the explanation furnished by the petitioners and if respondent No.2 makes an order, adverse to the interest of the petitioners, the said adverse order shall not come into effect for a period of four weeks from the date of service of order on the individual petitioners.

(A. B. CHAUDHARI)
JUDGE

5th MARCH, 2019
‘raj’

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned: **Yes**

Whether Reportable: **Yes**