

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

CWP No.24352 of 2018
Date of decision : 14.02.2019

Subhash Sapra

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Malik, Senior Advocate,
with Mr. Sandeep Dhull, Advocate,
for applicant-petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ritu Bahri, J. (oral)

Petitioner is seeking quashing of the impugned order dated 31.05.2018 (Annexure P-28), whereby he has been dismissed from service.

Learned counsel for the petitioner has argued that personal hearing was given to the petitioner when he appeared before Sh. Vijai Vardhan, Principal Secretary, on 02.03.2016. At that time, his counsel had argued the case and after completing the arguments, he submitted short written brief. Although the arguments were heard by Sh. Vijai Vardhan, but the impugned order dated 31.05.2018 (Annexure P-28) has been passed by Smt. Dheera Khandelwal, who has never granted any personal hearing to the petitioner or his counsel.

In response to the petition, this factual aspect is not being denied by the respondents in the written statement.

This Court in **Sumer Singh vs. State of Haryana**, CWP

No.17023 of 2017, decided on 07.08.2018 (Annexure P-31) had allowed a

petition, whereby petitioner, who was working as Lecturer in Hindi, faced a charge sheet and the Enquiry Officer gave his report on 19.02.2013. Thereafter, a show cause notice dated 13.09.2013 was issued asking the petitioner as to why he should not be removed from service. He gave his reply to the said show cause notice. He also made a request for personal hearing. However, before awarding the punishment, personal hearing was granted by Sh.S.S. Parsad, Additional Chief Secretary, Higher Education Department, Haryana, but punishment order was passed by Sh. Mahavir Singh, Principal Secretary to Govt. of Haryana, Higher Education Department. Keeping in view the judgment passed by this Court in **Mohinder Singh Lather vs. The State of Haryana and others**, CWP No.3226 of 1996 (decided on 22.11.1996) and **Manohar Lal Sikri vs. The Punjab National Bank and others**, CWP No.15214 of 1999, decided on 19.07.2000, the aforesaid petition was allowed and it was held that personal hearing was required to be given before an officer, who had passed the order of dismissal.

The ratio of judgment passed in **Sumer Singh's** case (supra) is directly applicable in the present case. In the facts of the present case, on 02.03.2016, personal hearing was given to the petitioner by Sh. Vijai Vardhan, Principal Secretary, Higher Education Department, Haryana. However, thereafter, order of punishment dated 31.05.2018 (Annexure P-28) has been passed by Smt. Dheera Khandelwal, who had never given personal hearing to the petitioner or his counsel, which is against the principle of natural justice.

In view of the above discussion, this petition is allowed and impugned order dated 31.05.2018 (Annexure P-28) is set aside. However,

the respondent authority is directed to pass fresh order after giving personal hearing to the petitioner and serving due notice upon him. This exercise be completed within a period of three months from the date of receipt of certified copy of this order.

14.02.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No