

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

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CWP No.35444 of 2019

Date of Decision : 06.12.2019

Sarjit Singh

....Petitioner

v/s

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Rohit Mittal, Advocate for the petitioner.

B.S. Walia, J. (Oral)

[1] Short grievance of the petitioner is that he submitted reply to show cause notice (Annexure P-14) dated 28.09.2018 before the Additional Director General of Police, Haryana, but no decision has been taken on the same, till date.

[2] Learned counsel contends that the only prayer of the petitioner is for the issuance of directions to respondent No.3 to consider and take a decision on the claim of the petitioner on the basis of reply to the show cause notice (Annexure P-14) dated 28.09.2018.

[3] Brief facts of the case are that show cause notice (Annexure P-14) dated 28.09.2018 was issued by respondent No.3 in compliance of directions dated 13.07.2018, passed by the High Court in CWP No.17013 of 2018 in case titled as 'Sarjit Singh versus State of Haryana and others' vide which the writ petition filed by the petitioner was partly allowed by setting aside Order (Annexure P-12) dated 15.06.2018, passed by the Inspector General of Police, South Range, Rewari, whereby the order converting the punishment of dismissal on account of petitioner being accused in a criminal case of

corruption, which was reduced to stoppage of 05 annual increments with permanent effect by the Appellate Authority was set aside, by observing that in the absence of any rules/instructions, orders for taking back in service of ASI Sarjit Singh which were issued by the Superintendent of Police, Nuh's office vide endorsement No.3842 dated 26.03.2018 were null and void and *ultra vires* High Court vide its Order dated 13.07.2018 in CWP No.17013 of 2018, while setting aside Order (Annexure P-12) dated 15.06.2018 granted liberty to pass fresh order, in accordance with law after putting the petitioner to notice and giving him an effective opportunity of hearing on his objections.

[4] Grievance of the petitioner is that although show cause notice (Annexure P-14) dated 28.09.2018 was given to the petitioner and the petitioner has submitted reply in respect thereto but a fresh order has not been passed in accordance with law and that in the circumstances, the petitioner would be satisfied, if the writ petition is disposed of by directing respondent No.3 to pass fresh orders, in accordance with law in terms of order of this Court dated 13.07.2018 in CWP No.17013 of 2018.

[5] Without commenting on the merits of the claim, the writ petition is ***disposed of*** by directing respondent No.3 to take a decision on the subject matter of show cause notice Annexure P-14 dated 28.09.2018 and pass orders, in accordance with law in terms of the directions dated 13.07.2018 in CWP No.17013 of 2018, as expeditiously as possible.

(B.S. Walia)
Judge

December 06, 2019
'Rajneesh'

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