

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

CWP No. 17814 of 2020(O&M)

Date of Decision:28.10.2020.

Sub Inspector, Suraj Singh

Petitioner

Versus

State of Haryana and others

Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Sunil K. Nehra, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.AG., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This writ petition has been filed, seeking quashing of impugned show cause notice dated 23.09.2020 (Annexure P-1), wherein the department contemplates to revert the petitioner to the post of Assistant Sub Inspector (ASI) from the post of Sub-Inspector (SI) in view of decision dated 30.05.2013 in LPA No. 645 of 2013 (Annexure P-2).

Learned counsel for the petitioner vehemently argues that none of the documents mentioned in the said show cause notice or the documents which were sought by the petitioner vide his communication dated 07.10.2020 (Annexure P-3), have been supplied, making it impossible for the petitioner to submit his reply. Moreover, the authorities, it is submitted, have already made up their mind in this regard. In such a situation, it is submitted that the impugned show cause notice dated 23.09.2020 (Annexure P-1), should be set aside.

Learned counsel for the respondent-State, to whom an advance copy

of the writ petition has been supplied, at this stage, submits that the relevant documents as sought by the petitioner vide communication dated 07.10.2020 (Annexure P-3), shall be supplied within one week and the petitioner shall also be afforded another 15 days thereafter to submit his reply. While denying that any decision has already been taken, it is submitted that the order pursuant to issuance of the impugned show cause notice, would be passed after affording an opportunity of personal hearing to the petitioner.

Having heard learned counsel for the parties, I find that a fair stand has been taken by the respondent-State. Keeping in view the facts and circumstances of this case, this writ petition is disposed of with a direction to the competent authority that the relevant documents sought by the petitioner be supplied to him within one week from today and the order pursuant to the issuance of show cause notice, be passed after affording an opportunity of hearing to the petitioner, in terms of the statement made by the learned counsel for the State, today. Furthermore, in case, the petitioner requires any other relevant documents for filing an effective reply and he supplies a list of the same to the department within two days from today, the same be also supplied to him within one week.

28.10.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.