

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

CWP-5385-2021

Date of Decision: 12.03.2021

Sub Inspector Subhash Chand

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Dr. Deepak Jindal, Advocate, for the petitioner.

Ms. Mamta Talwar, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J.(ORAL)

The petitioner, serving in the rank of Sub Inspector, is before this Court aggrieved against the impugned show cause notice dated 23.09.2020 (Annexure P-2), whereby the department is contemplating to withdraw his promotion to revert him as Assistant Sub Inspector. The petitioner pleads that the same is in violation of Rule 16.24 of the Punjab Police Rules as applicable to the State of Haryana. Apart therefrom, it is alleged to be in violation of principle of natural justice, inasmuch as, the documents mentioned in the show cause notice (Annexure P-2) have not been supplied. Violation of other mandatory procedure, including non-grant of opportunity of personal hearing to the petitioner is also alleged.

2. Learned counsel for the petitioner vehemently argues that, exactly in the same circumstances, another similarly situated colleague of the petitioner i.e. Sub Inspector Suraj Singh had approached this Court vide CWP-17814-2020. The learned State counsel therein had taken a fair stand that, any order to be passed pursuant to the show cause notice would be only after affording an opportunity of personal hearing to the employee

concerned and, the documents mentioned in the show cause notice would also be supplied within one week and, after supplying of the same, another 15 days would be afforded for submission of the reply to the show cause notice. Learned counsel for the petitioner contends that the petitioner too deserves same treatment as he is similarly placed, inasmuch as, neither has he been provided the documents mentioned in the show cause notice nor granted any opportunity of personal hearing, before contemplated action as per the show cause notice.

3. Ms. Mamta Talwar, learned DAG, Haryana, joins proceedings on behalf of the official respondents and, on advance service of copy of the writ petition, submits that she sees no difficulty in supplying the relevant documents as sought by the petitioner vide his communication dated 28.9.2020 (Annexure P-5) addressed to the Public Information Officer, District Gurugram, subject of course to the same being available in the record of the department.

4. Having heard, learned counsel for the parties, the instant writ petition is disposed of with a direction to the competent authority that let the relevant documents sought by the petitioner be supplied to him within one week of his approaching the department. Thereafter, he shall be afforded another 15 days to submit his reply to the show cause notice. Any contemplated order, to be passed pursuant to the show cause notice, shall only be after affording an opportunity of personal hearing to the petitioner.

5. Disposed of in above terms.

March 12, 2021

(ARUN MONGA)

Vivek

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No