

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-17951-2021 (O&M)
Date of Decision: 10.09.2021

EASI Ajit Singh

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Aditya Yadav, Advocate for the petitioner

Ms. Safia Gupta, AAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The petitioner, *inter alia*, seeks quashing of the notice dated 02.07.2021 (P5) passed by respondent No.4 vide which the petitioner has been compulsorily retired.

At the outset, learned counsel relies upon the order dated 14.02.2020 passed by this Court in **CWP-3738-2020 (EASI Virender Singh vs. State of Haryana & Ors.)**. It is averred that the petitioner was working as Head Constable on 30.10.1989 and thereafter promoted to the post of EHC on 14.11.2021 and EASI w.e.f. 02.04.2021 vide order dated 28.05.2021. At that stage, the petitioner received a notice dated 02.07.2021 (P5) giving three months' notice period for compulsory retirement of the petitioner. He also received ACR information under the RTI, for the period from 10.04.2018 to 31.03.2021. It is urged that after the said period of ACR, the petitioner had further been promoted as EASI w.e.f. 02.04.2021 vide order dated 28.05.2021 and as such the sting of ACR for the period prior to the date of his promotion has lost its effect.

Counsel submits that the petitioner has already submitted a detailed reply/representation to the show cause notice. He apprehends that

without examining the same, the order of compulsory retirement would be passed by the respondents.

Notice of motion.

On the asking, Ms. Safia Gupta, AAG Haryana accepts notice on behalf of the respondents.

In view of the peculiar circumstances, however, without commenting on the merits of the case, this writ petition is disposed of with a direction to respondent No.3 to examine the reply/representation submitted by the petitioner and pass a speaking order dealing with submissions made in the reply/representation within a period of 2 months from the date of receipt of certified copy of this order.

It is directed that till the decision of the representation, no adverse order shall be passed by the authorities. It is further directed that after consideration of the representation, in case the authorities decide to pass an adverse order, the same be not given effect for a period of one week to enable the petitioner to avail his remedy in accordance with law.

So ordered.

10.09.2021

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No