

CWP-23952-2021

Date of Decision : 25.11.2021

Kailash Chand

...Petitioner

Versus

State of Haryana & Ors.

....Respondent

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

Present : Mr. Ravi Pratap Singh, Advocate for the petitioner.

B.S. Walia, J. (Oral)

1. Prayerin the writ petition under Article 226 of the Constitution of India, is for the issuance of a writ in the nature of certiorari to quash order dated 09.11.2021 reverting the petitioner from the post of ASI to Head Constable on the basis of report of Nominated Committee dated 13.09.2021 and 30.06.2021 without supplying the same to the petitioner, thereby depriving the petitioner of giving effective reply to the show cause notice.

2. Notice of motion

3. Mr. Tapan Kumar, DAG, Haryana, accepts notice on behalf of the respondents and has furnished intimation given to him of the report of the Nominated Committee dated 13.09.2021 and 30.06.2021 as well as all connected documents having been supplied to the petitioner on 15.11.2021.

4. The same is taken on record. Copy thereof supplied to learned counsel for the petitioner, who states that in the circumstances, the impugned order Annexure P-3 dated 09.11.2021 i.e. the reversion

order Annexure P-3 is liable to be set aside, fresh opportunity given to the petitioner to submit a reply to the show cause notice and appropriate orders passed thereafter.

5. Learned State counsel has not been able to counter the submissions of learned counsel for the petitioner for the obvious reasons that the report of the Nominated Committee was not supplied to the petitioner before the passing of the impugned order Annexure P-3 dated 09.11.2021 but on a date thereafter i.e. 15.11.2021.

6. Accordingly, in the light of the position noted above, impugned order Annexure P-3 dated 09.11.2021 is set aside. Liberty is granted to the petitioner to submit reply to the show cause notice within two weeks from today whereafter, the competent Authority shall consider the matter in accordance with law and pass such orders as are deemed appropriate in the facts and circumstances of the case.

7. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

25.11.2021

ps

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