

In the High Court of Punjab and Haryana at Chandigarh

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CWP-14368-2022 (O & M)

Date of Decision: July 08, 2022

KHEM RAJ

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.R.K. Arora, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

Learned counsel for the petitioner submits that the petitioner has not been furnished documents which had been relied upon by the Enquiry Officer and, therefore, he cannot respond to the show cause notice. At this stage, he is confining the prayer in this petition to grant opportunity to enable him to file reply to the show cause notice.

Issue notice to the respondents.

At the asking of the Court, Ms. Deepali Puri, Addl. AG, Punjab accepts notice on behalf of the respondents.

It is apparent that an enquiry had been held against the petitioner on charge of being absent from duty. The petitioner is stated to have made an application for furnishing the documents to enable him to put-forth his defence. It would be inconsonance with the principles of natural justice that all the documents which had been relied upon by the enquiry officer are made available to the petitioner to effectively reply to the notice.

In view of the limited prayer of the petitioner, the petition is disposed of at this stage with a direction to the competent authority that before

finalizing the disciplinary proceedings, the petitioner would be furnished the copy of the documents which have been relied upon by the enquiry officer, he shall also be permitted to file response to the show cause notice within a period of one month from the date of receipt of the documents. He shall also be afforded an opportunity of hearing by the competent authority and thereafter the final order shall be passed by the competent authority in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

July 08, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No