

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16315-2021

Date of decision : 18.01.2023

Sandeep Kumar and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. B.S. Patwalia, Advocate
for the petitioners.

Ms. Deepali Puri, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion, the following order was
passed:-

“The petitioners inter alia seek quashing of the
notice dated 18.02.2019 (P12) asking the petitioners
to show cause as to why their selection and
appointment to the post of Senior Assistant
(Accounts)/Inspectors be not cancelled.

Learned counsel makes specific reference to
para 17 of the writ petition to submit that further
proceedings qua the same/similar show cause notice
dated 18.02.2019 were stayed by this Court vide order
dated 18.03.2019 passed in CWP-6706-2019 (P16).

Notice of motion for 17.01.2022.

Interim order in same terms as in CWP-6706-
2019.

To be heard with CWP-6706-2019.”

2. Counsels appearing for the parties do not dispute that CWP

No.6706 of 2019 stands decided by this Court observing as under:-

“xx xx xx

4. In brief, the facts are that the petitioners herein applied for appointment to the post of Inspector (Grade-II), Inspector (Grade-I) and Senior Assistants, pursuant to advertisement dated 27.08.2014 (Annexure P-1) issued by the Punjab State Civil Supplies Corporation Limited (PUNSUP). Apparently, there were allegations of a paper leakage pertaining to the written examination, which led to the matter being taken up by the Vigilance Committee and even a High Powered Committee was constituted by the State Government. The said Vigilance Committee identified 33 candidates against whom there were specific allegations made being involved in the paper leakage scam and having benefitted from such paper leakage. The said 33 candidates have since been charge-sheeted and are facing trial. The petitioners herein are still serving on one or the other post under PUNSUP and there are no allegations against them of being involved in the paper leakage scam. Since the petitioners had joined service, their appointments were sought to be cancelled on the ground that the entire selection process was tainted.

5. Fearing termination, the selected persons approached this Court by way of filing **CWP No.2099 of 2017**, titled as **Kabul Singh and others versus State of Punjab and another**, along with 21 other connected petitions by asserting that no opportunity of hearing/show cause notice had been issued to them and their services were sought to be terminated. A Coordinate Bench of this Court disposed of the said bunch of writ petitions on 22.01.2019 while taking note of the order passed by this Court in **CWP No.13834 of 2017**, titled as **Robin Goyal versus State of Punjab and others**, decided on **23.06.2017**,

wherein said Robin Goyal, who had also been appointed in the same selection process, had approached this Court seeking to challenge the action of the department, which wanted to terminate his services on account of paper leakage and ordered status quo to be maintained as to his services, while issuing certain directions. The writ petitions filed i.e. CWP No.2099 of 2017, along with 21 other petitions were disposed of in the same terms as passed in CWP No.13834 of 2017 dated 23.06.2017. The operative part of the order so passed in CWP No.13834 of 2017 is reproduced as under:-

“....In that view of the matter, the concerned department (PUNSUP) is directed to follow the orders issued by the Hon'ble Chief Minister on 9.5.2017 by which the department was asked to follow due legal process, means to issue show cause notice to all the candidates including the petitioner and thereafter obtain their replies and thereafter to take decision, if necessary after hearing them and upon perusing the entire record. The concerned department is therefore directed to take up the matter; issue show cause notices with necessary documents to all the appointees within a period of one month from today and call the explanation from such appointees within 15 days therefrom and thereafter take a decision within one month and communicate the same to all the appointees. In any case, the entire process shall be completed within three months from today and decision taken shall be placed before this Court for further orders. All the petitions shall be listed before this Court along with the decision taken.

In the meanwhile, in so far as the

petitioner is concerned, there shall be status quo as to his services.

Rule is partly made absolute.

No costs.”

6. Pursuant to the disposal of the aforesaid writ petitions, show cause notices have been issued to the petitioners and they have again approached this Court challenging the show cause notice dated 18.02.2019 (Annexure P-7) terming it as a non-speaking one and not in consonance with the order passed.

7. While issuing notice of motion on 18.03.2019, the impugned show cause notice dated 18.02.2019 was kept in abeyance. CM No.12044-CWP-2020 was filed by the respondent-PUNSUP seeking vacation of the interim stay order by contending that the petitioners herein ought to appear before the authorities concerned and face the proceedings that have been initiated under orders of the Court passed in Robin Goyal’s case (supra), whereas it is argued by learned counsel for the petitioners that the impugned show cause notice is a mere eye wash and formality and that the respondent-PUNSUP has already made up its mind to terminate the services of the petitioners herein and that the same is not in conformity with the order passed in Robin Goyal’s case (supra).

8. I have heard learned counsel for the parties and with their able assistance have gone through the pleadings of the cases.

9. I find that at the present moment, only a show cause notice has been issued to the petitioners, who have a remedy available with them to appear before the authorities concerned and file their reply thereto. The argument as raised that the impugned show cause notice is not in conformity with the order in Robin Goyal’s case (supra) as no documents have been

supplied with it, is the ground that is available to the petitioners and can be taken before the authorities concerned. The other argument as addressed that there is no specific allegation against the petitioners and the show cause notice issued is general in nature, is again an argument that can be taken up before the authorities concerned.

10. At this juncture, this Court is informed that replies have already been filed by the petitioners herein.

11. In view of the fact that the petitioners herein have already filed their respective reply to the impugned show cause notice, all the writ petitions are disposed of by directing the respondent-PUNSUP to consider the reply of the respective petitioners and decide the same after giving them due opportunity of hearing, within a period of two months from the date of receipt of certified copy of this order, in accordance with law by passing a speaking order individually in each petitioner's case and convey the decision to the petitioners. In case, the petitioners herein choose to add or file additional affidavits/grounds to their reply filed to the impugned show cause notice, they are permitted to do so, within a period of two weeks from today.

12. Any decision taken shall be placed before the Court, in terms of order so passed in Robin Goyal's case (supra).

13. In case, adverse orders are passed, the services of the petitioners would be protected for four weeks to enable them to approach the Court."

3. The petitioners have already filed their reply to the show cause notice dated 18.02.2019 (Annexure P-12) impugned under the present writ petition.

4. In view of the aforesaid facts, the present writ petition is disposed off in the similar terms with the directions to respondents to consider the reply of the petitioners and decide the same after giving them due opportunity of hearing within a period of two months from the date of receipt of certified copy of this order in accordance with law by passing a speaking order individually in each case. In case, the petitioners want to supplement their replies, they are permitted to do so within a period of two weeks from the date of receipt of certified copy of the order. Any decision taken shall be placed before the Court in terms of orders passed in **Robin Goyal's case (supra)** as followed in CWP No.6706 of 2019. In case, the authority passes the order adverse to the rights of the petitioners, the petitioners shall be protected for four months to enable them to approach this Court.

5. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

18.01.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No