

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CWP-16297-2021(O&amp;M)

Date of decision : 09.10.2023

Sultan Singh and another

... Petitioners

Versus

State of Haryana and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Sanjay Ghalawat, Advocate for the petitioners.

Mr.Amandeep Joshi, DAG, Haryana for the respondents.

**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari for quashing the impugned order dated 26.05.2021 (Annexure P-16) passed by respondent no.2 whereby recommendations have been made by respondent no.2. Challenges are also to the disagreement note-cum-show cause notices dated 14.01.2022 (Annexure P-21) and 28.10.2022 (Annexure P-23) passed by respondent no.3.

2. Learned State counsel has submitted that in the present case, no final decision has been taken on the show cause notices and the petitioners have not filed reply. It is submitted that in case the reply is filed by the petitioners, respondent no.3 would consider the pleas raised in the reply and take a final decision with respect to the show cause notices within a period of 8 weeks from the date of the reply filed by the petitioners, in accordance with law.

3. Learned counsel for the petitioners has submitted that the petitioners would file reply to the said show cause notice within a period of

one week from today and same be considered by respondent no.3, in accordance with law. It is further submitted that the petitioners would also challenge the order dated 26.05.2021 passed by respondent no.2 and right of the petitioners to challenge the same be kept open.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with the following directions:-

i) It would be open to the petitioners to file reply to the show cause notices dated 14.01.2022 (Annexure P-21) and 28.10.2022 (Annexure P-23) within a period of 10 days from the date of the receipt of the certified copy of the present order.

ii) Respondent no.3 is directed to consider the said reply in case filed by the petitioners within the aforesaid period, in accordance with law and to pass a final order with respect to the same within a period of two months from the date of receipt of the reply of the petitioners to the above said show cause notices.

iii) This Court has not opined on the legality or illegality of the order dated 26.05.2021 (Annexure P-16) and right of the petitioner to challenge the same is kept open.

5. It is made clear that this Court has not opined on the merits of the case and respondent no.3 would consider the matter in view of the facts and circumstances of the case and in accordance with law.

6. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)  
JUDGE

**October 09, 2023**

*Davinder Kumar*