

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-10611-2018

Date of decision: 09.08.2023

Harnek Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. Nikhil Kumar Chopra, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Mr. Munish Jolly, Advocate
for respondent No.5.

RAJESH BHARDWAJ J. (ORAL)

Prayer in the present petition is for setting aside the order dated 19.01.2015 vide which the directions given to respondent in the order dated 08.08.2013 passed by this Court are not being carried out in its letters and spirits and the same has been passed in violation of the principle of natural justice.

It has been contended by counsel for the petitioner that on the earlier occasion, petitioner approached this Court by way of filing CRM-M-26043-2013 which was disposed of by this Court vide order dated 08.08.2013 by specifically observing that the petitioner would be given the opportunity of hearing and his representation would be decided within a period of six weeks. He submits that though in pursuance to the order passed, the respondent decided the case by passing the impugned order dated 19.01.2015, however, the same is not in consonance with the direction given by this Court where by the respondents

were directed to provide opportunity of hearing to the petitioner. He submits that the order has been passed without hearing the petitioner and thus, the petitioner has been deprived of his rights to produce evidence before the respondents-authorities.

The factual position is not disputed by counsel for respondent No.5 as well as by the State. Though they have opposed the submissions made by counsel for the petitioner on merits, however, to meet the ends of justice, this Court is of the opinion that the impugned order be *set aside* and the petitioner be granted opportunity of hearing in person as observed by this Court vide order dated 08.08.2013 and after hearing the petitioner, respondent No.2 is directed to decide the representation filed by the petitioner within a period of four weeks.

Petition is allowed in the above-mentioned terms.

(**RAJESH BHARDWAJ**)
JUDGE

09.08.2023
m. sharma

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