

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

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**CWP-24446-2017 (O&M)
Date of Decision: 23.08.2023**

Jeet Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioners.

Mr. R.K. Kapoor, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. Both the learned counsels are *ad idem* that the impugned order dated 18.09.2017 (Annexure P-13) stands governed by the law as laid down by the Co-ordinate Bench of this Court in CWP-21790-2014, dated 14.02.2017, wherein, this Court has held that the opportunity of hearing provided cannot substitute the process of issuing show cause notice and giving the opportunity to the petitioners to submit their defence. The Co-ordinate Bench has held as under:-

“As per learned senior counsel, the requirement of issuance of show cause notice and consideration of reply is a much more effective feature as compared to a simple personal hearing especially to a person who may not be aware about the niceties of law. As per him, personal hearing cannot be substituted for a proper show cause notice to which reply may also be given by the petitioners. More so since in the previous petition, there was a specific direction to this effect.

Learned State counsel on the other hand would try to justify that hearing is an effective substitute of a regular show cause notice and reply I regret my inability to agree with the learned State counsel.

In these circumstances, I have no option but to set aside the order (Annexure P-5) and grant one more opportunity to the respondents to pass fresh order after giving a show cause notice to the petitioner.”

2. Admittedly, after first round of litigation where this Court set aside the order passed by the respondents, whereby, the date of regularization was changed from 01.08.1985 to 09.02.2012, the order dated 04.03.2016 having been set aside. The respondents called the petitioners for hearing and thereafter, again reiterated his earlier order dated 04.03.2016 holding the petitioners to be regularized from 09.02.2012.

3. Keeping in view the judgment passed by the Co-ordinate Bench dated 14.02.2017 (supra), the present petition is allowed to the aforesaid extent and the order of regularizing the services w.e.f. 09.02.2012 dated 10.10.2017 is quashed and set aside with further opportunity to the respondents to pass fresh order after giving the show cause notice to each of the petitioner. The petitioners would be free to submit their reply and orders shall be passed within a period of six months thereafter. Further grievances of the petitioners may be addressed by the State Government accordingly.

4. The pending miscellaneous application(s), if any, shall stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

23.08.2023
D.Bansal

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