

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-17292-2023

Date of decision : 09.08.2023

Manoj and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sunil K.Nehra, Advocate and
Mr.Rahil Mahajan, Advocate
for the petitioners.

Ms. Rajni Gupta, Addl.A.G. Haryana
for the respondents.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned order dated 05.02.2021 (Annexure P-18) vide which the names of the petitioners have been removed from the seniority list of the Executive Clerical Cadre (Accounts Branch) of the Karnal Range. Further challenge is also to the show cause notice dated 02.08.2023 (Annexure P-24) issued to petitioner no.1 and show cause notice dated 02.08.2023 (Annexure P-25) issued to petitioner no.2.

2. Learned counsel appearing for the State has submitted that the case of the petitioners is premature inasmuch as only show cause notices Annexures P-24 and P-25 have been issued to the petitioners and that an opportunity has been given to the petitioners to show cause as to why wrong

benefit of absorption in ECC (Accounts Branch) and further promotions granted be not withdrawn and the petitioners be not sent to their parental unit. It is further submitted that 7 days time has also been given to file reply. It is stated that as far as the order dated 05.02.2021 is concerned, the same is an internal correspondence between the Inspector General of Police, Karnal Range, Karnal to Additional Director General of Police, Rohtak Range, Rohtak.

3. Learned counsel for the petitioners has submitted that the period of 7 days has elapsed on 09.08.2023 and the petitioners be permitted to file reply upto 16.08.2023 and same be considered before taking any action in pursuance of the show cause notices.

4. Learned State counsel has stated that she has no objection to the said course of action.

5. Keeping in view the above said facts and circumstances, the present petition is disposed of in the following terms:-

i) It would be open to the petitioners to file reply to the show cause notices dated 02.08.2023 on or before 16.08.2023.

ii) In case said reply is filed on or before 16.08.2023, then the respondents authorities would consider the same before taking any action in pursuance of the show cause notices.

6. It is made clear that this Court has not opined on the merits of the case and the competent authority would consider the matter independently, in accordance with law.

(VIKAS BAHL)
JUDGE

August 09, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No