

CWP No. 22055 of 2023

2023:PHHC:132847

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(299)

CWP No. 22055 of 2023

Date of Decision : 12.10.2023

Rakesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioner.

Ms. Shruti Jain Goyal, Sr. D.A.G., Haryana.

Harsimran Singh Sethi J. (Oral)

In the present petition, the grievance of the petitioner is that he has been relieved from service vide order dated 20.09.2023 (Annexure P-12), which is arbitrary and illegal.

Learned counsel for the petitioner submits that though, as per the judgment of this Court in CWP No. 15672 of 2021 titled as ***Amit Kumar and others Vs. State of Haryana and others***, decided on 25.04.2022, the respondents were under obligation to re-do the selection but, due opportunity was not given to the petitioner to defend and the petitioner's service have been terminated and he has been relieved from service on the ground that his bio metric does not match.

Learned counsel for the respondents submits that in the present case, after the judgment of the Co-ordinate Bench of this Court in

Amit Kumar's case (supra), the petitioner was given a show cause noticed on 18.07.2022 (Annexure P-7), wherein, it was duly mentioned that his bio metric were found mismatched with the record of bio metric at the time of his written exam and he was given seven days time to file his reply and in case, no reply is received from the petitioner, it will be deemed that no reply is to be submitted by the petitioner and the candidate in question will be relieved from service and in the present case, no reply of the petitioner was ever received by the department and that is why by the impugned order dated 20.09.2023 (Annexure P-12), the petitioner has been relieved from service, hence, no grievance can be raised by the petitioner in this regard.

Learned counsel for the petitioner submits that the petitioner submitted an explanation though after a period of 07 days envisaged. That being so, once any explanation, required to be submitted within the time frame, was not submitted by the petitioner for the consideration of the authorities concerned in pursuance to the show cause notice dated 18.07.2022 (Annexure P-7), the petitioner cannot raise any grievance as in the show cause notice itself, it was mentioned that in case, no reply is received from any candidate in pursuance to the show cause notice, it will be deemed that the said candidate does not want to submit any reply in his defense in pursuance to the allegation mentioned in the show cause notice and the service of the said candidate shall be terminated immediately, hence, no grievance can be raised by the petitioner upon

relieving him from service in the facts and circumstances of the present case.

Once, the petitioner choose not to defend himself in pursuance to the show cause notice within the time frame granted, the respondents were well within their right to pass appropriate order on the basis of the said show cause notice, which act has resulted into passing of the order dated 20.09.2023 (Annexure P-12) relieving the petitioner from service from the post of Clerk.

No ground is made out for any interference by this Court in the present petition.

Dismissed.

October 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No