

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 26252 of 2022****Date of Decision: 20.03.2023**

Ramesh Chander

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Surmukh Singh, Advocate
for the petitioner(s).Mr. Vikas Arora, Assistant Advocate General,
Punjab.**Anil Kshetarpal, J.**

1. The challenge is to the correctness of the orders passed on 25.07.2019 by which the petitioner's three annual increments have been withheld with cumulative effect. The aforesaid order has been upheld in appeal vide order dated 07.09.2020.

2. On 14.03.2023. this Court passed the following order:-

“Learned counsel representing the petitioner contends that although an opportunity of hearing was granted to the petitioner, before passing the order of punishment, however, a copy of the inquiry report, on the basis of which, order of punishment was passed, was not supplied to him.

On the other hand, the learned State counsel submits that as per his instructions, a copy of the inquiry report was supplied to the petitioner alongwith the show cause notice. However, he prays for some time to file a specific affidavit to that effect.

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List on 20.03.2023, in the urgent list.

No further request for an adjournment shall be entertained.”

3. The State of Punjab has filed the reply admitting that the copy of inquiry report was not supplied to the petitioner along with the second show cause notice. The learned State counsel submits that there is an inadvertent mistake, though, the Superintendent, on the office file, has directed the concerned official to supply the copy with the show cause notice. The attention of the Court has not been drawn to any special reason or conscious decision of the competent authority to claim privilege over the disciplinary inquiry report.

4. Keeping in view the aforesaid peculiar facts of the case, this Court is left with no choice but to accept the writ petition while setting aside the impugned orders dated 25.07.2019 and 07.09.2020 by directing the Director Public Instructions (Secondary Education) to pass a fresh order as the copy of inquiry report has already been taken/obtained by the petitioner under the Right to Information Act, 2005. The petitioner is directed to file his response to the show cause notice within a period of ten days, from today, which shall be considered by the disciplinary authority before passing a fresh order after granting an opportunity of hearing to the petitioner, within a period of one month, positively, from today.

(Anil Kshetarpal)
Judge

March 20, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No