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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29141-2023

Date of Decision:21.12.2023

CHANDANDEEP SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ranjit Singh Kalra, Advocate with
Ms. Mona Yadav, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of show cause notice dated 09.12.2023 (Annexure P-3) whereby petitioner has been called upon to show cause as to why he should not be terminated from Government service of Police Department.

2. Mr. Ranjit Singh Kalra, learned counsel for the petitioner submits that impugned show cause notice has been issued by Commissioner of Police who is holding rank of DIG. The petitioner is a Constable and as per Punjab Police Rules, SSP is Competent Authority to issue show cause notice to a Constable. An appeal against the order of SSP lies before DIG. If pursuant to impugned show cause notice, an order is passed by Commissioner of Police, the petitioner would lose statutory remedy of appeal. The show cause notice has been issued on the direction

of DGP and in the show cause notice opinion has already been formed, thus, show cause notice is a mere formality.

3. Notice of motion.
4. Mr. Aman Dhir, DAG, Punjab accepts notice on behalf of the respondents-State.
5. With the consent of both sides, the matter is taken up for final disposal.
6. Mr. Aman Dhir, DAG, Punjab, learned State counsel expressed his inability to controvert the legal position that as per Punjab Police Rules show cause notice to a Constable can be issued by SSP and appeal against the order of SSP lies before DIG. He further concedes that every Commissioner of Police holds rank of DIG or above.
7. In view of the fact that show cause notice has been issued by an officer who is holding rank of Appellate Authority where Competent Authority i.e. SSP is available to issue show cause notice, this Court, without commenting upon the merits of the case, deems it appropriate to set aside impugned show cause notice with liberty to Competent Authority to issue fresh show cause notice without being influenced by observations of DGP and this Court.
8. Disposed of in the above terms.

(JAGMOHAN BANSAL)

JUDGE

21.12.2023

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No