

CWP-1393-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-1393-2024
Date of Decision: 23.01.2024

Ashok Kumar
..... Petitioner
Versus
State of Haryana and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mohnish Sharma, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction calling for the records of the case and after the perusal of the same issue a writ in the nature of *certiorari* for quashing/setting aside the impugned show-cause-notice dated 16.01.2024 (Annexure P-3) issued by respondent No.5 for termination of service of the petitioner without even supplying him report of inquiry conducted by respondent No.7.
2. Learned counsel for the petitioner submitted that the respondents conducted some vigilance inquiry of their own and found that some of the employees, who were not having the qualification from the recognized universities, were to be terminated from service and in this regard, a show-cause notice was given to the petitioner vide Annexure P-3 dated 16.01.2024 which was also served upon the petitioner on the same date, but only seven days' time was given to the petitioner for filing the

reply and that too even without supplying vigilance report etc. and therefore, the action of the respondents was totally arbitrary since the time period of seven days was absolutely arbitrary and harsh in nature and especially when the inquiry/vigilance report which was sought to be relied upon by the respondents was never given to the petitioner and therefore, the petitioner could not have replied to the show-cause notice within time. He further submitted that at this stage, the petitioner will be satisfied in case some directions be issued to the respondents to give reasonable time to the petitioner for filing reply to the show-cause notice .

3. Notice of motion to respondent Nos.1 to 6 only at this stage.

4. On asking of Court, Mr. Samarth Sagar, Addl. A.G., Haryana, who is present in the Court, accepts notice on behalf of the aforesaid respondents.

5. Since the prayer of the petitioner at this stage is only to the extent that some reasonable time be given to him for filing the reply to the show-cause notice as the time period given by the respondents is only seven days which was inadequate, the present petition can be disposed of even without calling for the reply from the respondents and without observing anything on the merits of the case. This Court is of the view that the time period of seven days which was given to the petitioner without even supplying a copy of the vigilance inquiry report on the basis of which his services were sought to be terminated, is absolutely arbitrary and harsh. Consequently, the present petition is disposed of with a direction to the respondent No.5/competent authority to grant at least one month's time to the petitioner for filing reply to the show-cause notice.

6. Till the expiry of one month from the date of receipt of the show-cause notice, no coercive steps shall be taken against the petitioner.

23.01.2024

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No