



CWP-7693-2023 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-7693-2023 (O&M)
Date of Decision: 10.05.2024**

Gursharan Singh Sandhu and others**...Petitioners**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Ivan Singh Khosa, Advocate,
Mr. Shivam Grover, Advocate and
Mr. Kartik Yadav, Advocate for the petitioners

Mr. Aman Dhir, Deputy Advocate General, Punjab

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Ashish Rawal, Senior Panel Counsel,
for Union of India-respondent No.3

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of orders dated 31.03.2023 (Annexure P-1 to P-3) whereby they have been reverted from the rank of Inspector General of Police ('IG') to Deputy Inspector General of Police ('DIG').

2. Mr. Ivan Singh Khosa, Advocate submits that respondent issued notice calling upon the petitioners to show cause as to why they should not be reverted from the rank of IG to DIG. The first show cause notice was followed by another show cause notice dated 03.02.2023 (Annexure P-10) which was further followed by show cause dated 27.02.2023 (Annexure P-12). The



petitioners were asked to appear before Chief Minister on 27.03.2023 at 01:15 PM for personal hearing. The respondent by communication dated 25.03.2023 (Annexure P-14) informed them that hearing has been deferred and next date would be informed. The respondent did not fix next date and straightaway passed impugned orders dated 31.03.2023 (Annexure P-1 to P-3) whereby petitioners were reverted to the post of DIG. Thus, the impugned orders need to be set aside on the ground of violation of principles of natural justice. It is apt to notice here that there are 3 petitioners and 3 orders, all dated 31.03.2023, were passed.

3. Mr. Aman Dhir, learned State counsel expressed his inability to controvert the fact that hearing fixed on 27.03.2023 was adjourned by communication dated 25.03.2023 and matter was adjourned on account of non-availability of Chief Minister.

4. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

5. From the perusal of record, it comes out that Annexure P-10 and P-12 are hearing notices. These notices, in no manner, can be called show cause notices as claimed by petitioners.

6. Faced with this, learned State counsel submits that show cause notice was issued on 17.09.2021 and petitioners have filed reply to the said notice. They have opted not to place on record copy of show cause notice dated 17.09.2021.



7. The respondent issued show cause notice on 17.09.2021 and thereafter, fixed the matter for personal hearing on 27.03.2023. The matter could not be heard on account of non-availability of Chief Minister. The respondent by letter dated 25.03.2023 (Annexure P-14) intimated the petitioners that matter would not be heard on 27.03.2023 and another date would be communicated. The respondent was duty bound to fix another date for personal hearing whereas passed impugned orders.

8. The respondent has passed impugned orders without granting opportunity of hearing, thus, impugned orders deserve to be set aside on the ground of violation of principles of natural justice. Accordingly, without commenting upon merits of the case, the impugned orders dated 31.03.2023 (Annexure P-1 to P-3) are hereby set aside.

9. The respondents are hereby directed to pass fresh order(s) on or before 15.06.2024 after granting opportunity of hearing to the petitioners.

10. Disposed of in above terms.

11. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

10.05.2024
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>