

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 8439 of 2024

Date of decision: 18.04.2024

Dinesh Kumar

.... Petitioner

Vs.

Haryana State Federation of Consumers

Co-operative Wholesale Stores Ltd. and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Deepkaran Dalal, Advocate with
Mr. Yoginder Singh Rana, Advocate,
Mr. Lakshay Goyal, Advocate and
Mr. Ashish, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226 of the Constitution of India with a prayer that this Hon’ble Court may kindly issue a Writ, Order or Direction in the nature of Certiorari quashing the Show Cause Notice dated 21.09.2023 (Annexure P-1) seeking to forfeit the security deposited by the Petitioner and further blacklist the Petitioner, being arbitrary, illegal and opposed to principle of Public Policy and;

Further a prayer to issue a writ, order or direction in the nature of Mandamus directing the Respondent No.1 to release the security amount and other payments with interest and; further prayer for issuing a writ in the nature of mandamus not to blacklist the Petitioner;

Still further prayer for granting ad interim ex parte stay of the impugned Show Cause Notice dated 21.09.2023 (Annexure P-1) during the pendency of the present Writ Petition.”

The petitioner having been served with the impugned show cause notice dated 21.09.2023, has concededly submitted a response thereto on 02.10.2023 (P-12).

Upon being pointedly asked, learned counsel for the petitioner fairly concedes that vide communication dated 5.10.2023, issued by the respondent authorities, the petitioner was afforded a personal hearing on 10.10.2023 by the Managing Director of the organization.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, is present in Court on behalf of the respondents. He submits that the competent authority, that had heard the petitioner on the appointed date (10.10.2023), has since been transferred on 05.02.2024. And no formal order as regards the appointment of next incumbent in the office has yet been passed. Therefore, he submits that as and when the vacancy is filled, fresh notice affording another hearing to the petitioner would be issued and thereafter necessary orders, in accordance with law, shall be passed. Therefore, he submits that the petition at hand is apparently premature. Further, the petitioner shall always be at liberty to press his objections/reply to the impugned show cause notice before the competent authority.

That being so, learned counsel for the petitioner submits that let this petition be disposed of in terms of the statement made by learned counsel for the respondents.

In the wake of the position sketched out above, this petition is disposed of in terms of the statement made by learned counsel for the parties.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

18.04.2024
deepak

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No