

(2009) 02 P&H CK 0202

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Insp. Mohinder Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: Feb. 11, 2009

Hon'ble Judges: Ajay Tewari, J

Bench: Single Bench

Judgement

Ajay Tewari, J.

This is a petition claiming for certiorari for quashing orders dated 29.12.2005 (Annexure P-8) whereby the benefit already granted by the Inspector General of Police has been withdrawn and further to quash the orders dated 24.5.2006 (Annexure P-10) and 13/22.09.2006 (Annexure P-12) whereby the appeal against the same has been declined by respondent No. 2 and respondent No. 1 respectively without passing a speaking order. In this case, the petitioner was granted benefits of accelerated promotion etc. Thereafter, show cause notice was issued by the Inspector General of Police after a period of few years, asking the petitioner to show cause why the benefits granted to him should not be withdrawn. Replies were filed and the impugned order was passed taking away the benefits granted to the petitioner. The sole contention is that the order has been passed on the direction of the Director General of Police and, therefore, could not have been any application of mind. In Laxmi Naryana and Ors. v. State of Haryana and Ors. a Division Bench of this Court held as follows:

The petitioners came into service from 1990 onwards. Their services are sought to be abruptly terminated on the ground that their initial appointments were perhaps contrary to the rules. It is a settled proposition of law that the orders causing civil consequences cannot be passed without observing rules of natural justice. Mr. Malik has rightly made a grievance that the show cause notices issued by the Block Education Officers are mere formality as the decision has already been taken by the superior authority to terminate the services of the petitioners. In our opinion, the

petitioners have been condemned unheard.

2. In these circumstances, in my opinion, it would be in the interest of justice, if the impugned orders (Annexures P-8, P-10 & P-12) are set aside and the Director General of Police is directed to reconsider the matter. The petitioner may file fresh reply to the show cause notice within a period of one month from the date of receipt of certified copy of this order and the Director General of Police will pass a speaking order within a period of one month thereafter. It is, however, made clear that the petitioner would not be entitled to seek any benefit of the fact that the impugned orders have been quashed till such time as the fresh decision is taken by the Director General of Police. Needless to say, in case the Director General of Police decides not to take back the benefits granted to the petitioner, then the petitioner would be at liberty to claim all consequential benefits.

3. Accordingly, the petition stands disposed of.