

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

SWP No.2689/2012

Date of order: 30.01.2018

Ghulam Nabi V. State & Ors.

Coram:

Hon'ble Mr. Justice Alok Aradhe, Judge

Appearing counsel:

For Petitioner/appellant(s) :	Mr. Vasharan Thakur, Advocate, vice Mr. S. C. Subhash, Advocate.
For respondent (s) :	Mr. A. S. Kotwal, Dy. AG.

The petition is admitted for hearing.

With the consent of the learned counsel for the parties, the matter is heard finally.

In this petition, the petitioner who is serving as a Village Guard (Chowkidar) has assailed the order dated 07.12.2012 by which the Tehsildar, Banihal without holding any enquiry dismissed the services of the petitioner as Village Guard (Chowkidar).

When the matter was taken up today, learned counsel appearing for the petitioner submits that neither any notice was served on the petitioner nor any opportunity of hearing was afforded to the petitioner before passing the impugned order. On the other hand, learned Deputy Advocate General is unable to point out from the record whether any notice was issued to the petitioner or any opportunity of hearing was afforded to the petitioner before passing the impugned order.

I have considered the submissions made by the learned counsel for the parties and have perused the record. Taking into account the fact that the impugned order dated 07.12.2012 has been passed in flagrant violation of the principle of natural justice, the same cannot be sustained in the eye of law. Needless to state that the Tehsildar, Banihal, would be at liberty to proceed against the petitioner in accordance with law by affording an opportunity of hearing to the petitioner.

With the aforesaid directions, the writ petition is disposed of accordingly.

(Alok Aradhe)
Judge

Jammu
30.01.2018
Surinder

