

Court No. - 34

Case :- WRIT - A No. - 18009 of 2023

Petitioner :- Ajeet Kumar Verma And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Dinesh Rai

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. This Court on 27.10.2023 passed by the following order:-

"Learned Standing Counsel shall obtain instructions in the matter as to whether order impugned of re-fixation of pay has been passed without giving any opportunity of hearing to the petitioner.

List this mater on 17th November, 2023 amongst top 10 cases"

2. A request has been made by learned Standing Counsel seeking four weeks' time to submit proper instructions in the matter.

3. The only issue that has been raised is that the pay fixation of the petitioner was done on his own request made on 04.09.2023 by which he has requested to remove the anomaly in pay fixation.

4. In my considered view, the request to correct the anomaly does not mean that fixation already done in the matter should be reversed without giving opportunity of hearing to the petitioner. From the instructions, it is very much clear that no opportunity of hearing was accorded to the petitioner before passing the order of pay fixation. Accordingly, the impugned orders dated 05.08.2023 and 09.08.2023 are hereby quashed.

5. The petitioners are permitted to file objection within a period of four weeks and thereafter, the respondents shall proceed to pass order for pay fixation

after affording opportunity of hearing to the petitioners within next two months' time.

6. Needless to say that the order should be reasoned and speaking one.

7. With the above observation, the writ petition stands allowed.

Order Date :- 17.11.2023

Shiraz