

Court No. - 7

Case :- WRIT - A No. - 7825 of 2023

Petitioner :- Arvind Kumar Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Secondary Education Lko. And 3 Others

Counsel for Petitioner :- Sharad Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner as well as Dr. Uday Veer Singh, learned Additional Chief Standing counsel for the State-respondents.
2. At the very outset, learned Additional Chief Standing counsel states in pursuance of earlier order of this Court dated 10.10.2023 that initially the salary of the petitioner had been stopped yet the same has now been paid to the petitioner vide order dated 25.10.2023.
3. The aforesaid statement is recorded.
4. With the consent of learned counsel appearing for the contesting parties, the writ petition is finally being disposed of.
5. In the instant writ petition, under challenge are the orders dated 15.09.2023 & 25.09.2023, copies of which are annexure nos.1 & 2 to the petition. By the said orders, the date of grant of ACP to the petitioner has been changed.
6. The contention of learned counsel for the petitioner is that initially vide orders dated 29.01.2015 and 22.05.2021, the petitioner had been granted the benefit of Ist ACP and IInd ACP w.e.f. 14.10.2003 & 14.10.2019 respectively.
7. By means of the orders impugned, the date of grant of ACPs have been changed with consequential results which has thus

resulted in reduction of the salary of the petitioner.

8. The contention is that once the orders impugned are having civil consequences as such a prior opportunity of hearing should have been accorded to the petitioner while passing the orders impugned.

9. A perusal of the orders impugned would indicate that they do not indicate anywhere that the petitioner had been granted an opportunity of hearing prior to passing of the said orders.

10. Once, admittedly, by means of the orders impugned, the date of ACP as had been granted earlier to the petitioner has been changed which has consequentially resulted in reduction of salary of the petitioner as such, at least the principle of natural justice should have been followed which do not appear to have been followed while passing the orders impugned.

11. Consequently the orders impugned dated 15.09.2023 & 25.09.2023, copies of which are annexure nos.1 & 2 to the petition, are **quashed**. Consequences to follow. However it is open to the respondents to pass fresh orders in accordance with law.

Order Date :- 30.10.2023

S. Shivhare