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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9427 of 2025

Ashish Dewangan S/o Late Shri S.L. Dewangan Aged About 36 Years
R/o House No.D-89, Yadunandan Nagar Tifra, Bilaspur District- Bilaspur
Chhattisgarh

... Petitioner

versus

**1 - State Of Chhattisgarh Through The Secretary, Department Of Health
And Family Welfare, Mantralaya Mahanadi Bhawan Nawa Raipur , Atal
Nagar, Raipur (C.G.)**

2 - The Collector Bilaspur District Bilaspur (C.G.)

3 - Chief Medical And Health Officer District Bilaspur Chhattisgarh

**4 - Block Medical Officer, Community Health Centre, Bilha, District-
Bilaspur (C.G.)**

... Respondents

(Cause title is taken from Case Information System)

For Petitioner : Mr. Ajay Kumrani, Advocate

For Respondents/ State : Ms. Sakshi Bajpai, Panel Lawyer

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

16/09/2026

1. By the present writ petition, the petitioner is assailing the order dated 28.07.2025, whereby his annual increments were withdrawn and their basic pay was restored to the initial stage.
2. Learned counsel appearing on behalf of the petitioner herein, would submit that the petitioner was appointed on compassionate ground as Assistant Grade-III in the Health Department. He would further submit that the petitioner was being paid salary, however, all of a sudden, by the impugned order, his annual increments were withdrawn and his basic pay was restored to the initial stage. The said deduction was made in the salary without giving any opportunity of hearing to the petitioner, without any rhyme or reason, and therefore the said illegality cannot be perpetuated.
3. Learned State counsel appearing on behalf of the State/ respondents, would support the impugned order and oppose the writ petition.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the record with utmost circumspection.
5. Admittedly, by the impugned order, the petitioner's annual increments were withdrawn and his basic pay was restored to the initial stage, without issuing notice and deduction in basic pay/ grade pay involves civil consequences.
6. The Supreme Court in the matter of **Mukund K. Pai and others v. Punjab National Bank and others** following its earlier decision in the matter of **Bhagwan Shukla v. Union of India** held that

refixation cannot be directed without observance of the principle of natural justice, and observed as under: -

“23. Be that as it may, by the order of re-fixation of pay the appellants' pay were reduced in the wake of refixation. The deductions in the pay scale recurring reductions of salary affects the civil consequences to an ex-serviceman. This is urged that such refixation cannot be directed without observance of the principle of natural justice. In support thereto, reliance has been placed on the judgment of this Court in the case of 'Bhagwan Shukla v. Union of India', wherein while dealing with question of reduction of basic pay of appellant, this Court held thus:

3. We have heard learned counsel for the parties. That the petitioner's basic pay had been fixed since 1970 at Rs 190 p.m. is not disputed. There is also no dispute that the basic pay of the appellant was reduced to Rs 181 p.m. from Rs 190 p.m. in 1991 retrospectively w.e.f. 18-12-1970. The appellant has obviously been visited with civil consequences but he had been granted no opportunity to show cause against the reduction of his basic pay. He was not even put on notice before his pay was reduced by the department and the order came to be made behind his back without following any procedure known to law. There has, thus, been a flagrant violation of the principles of natural justice and the appellant has

been made to suffer huge financial loss without being heard. Fair play in action warrants that no such order which has the effect of an employee suffering civil consequences should be passed without putting the (sic employee) concerned to notice and giving him a hearing in the matter. Since, that was not done, the order (memorandum) dated 25-7-1991, which was impugned before the Tribunal could not certainly be sustained and the Central Administrative Tribunal fell in error in dismissing the petition of the appellant. The order of the Tribunal deserves to be set aside. We, accordingly, accept this appeal and set aside the order of the Central Administrative Tribunal dated 17-9-1993 as well as the order (memorandum) impugned before the Tribunal dated 25-7-1991 reducing the basic pay of the appellant from Rs 190 to Rs 181 w.e.f. 18-12-1970."

25. In view of the discussion made above, we answer question no. 1 that the IBA clarification and HRMD circular are not in consonance with the 2014 guidelines for pay fixation of ex-servicemen and for purpose of fixation of pay, the 2014 guidelines shall prevail over the IBA clarification and HRMD circular. Similarly, question no. 2 is answered that the re-fixation applying IBA clarification and HRMD circular by ignoring the 2014 guidelines is not justified. We have already held that that by virtue of passing order of re-

fixation, the appellants have suffered civil consequences, therefore, without affording an opportunity, re-fixation so done, was in violation of principle of natural justice hence, it is set-aside. In view of the above, question no. 3 is also answered."

7. In view of the aforesaid decisions of the Supreme Court in **Bhagwan Shukla (supra)** and **Mukund K. Pai (supra)** and since the order impugned was passed in violation of the principles of natural justice, the order impugned dated 28/07/2025 (Annexure P-1) is hereby set-aside and the writ petition is allowed to the extent indicated herein-above. Parties to bear their own cost(s).

Sd/-
(Bibhu Datta Guru)
Judge