

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.28083 of 2013
Decided on : 13.10.2015**

Kulwant Dass

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Pawan Kumar Goklaney, Advocate
for the petitioner.

Mr. Anshul Gupta, AAG, Punjab.

G.S. Sandhawalia , J. (Oral)

The challenge in the present writ petition is to the order dated 02.08.2013 (Annexure P-10), whereby the earlier order dated 18.08.2011 (Annexure P-9) was cancelled with immediate effect. Vide the earlier order the petitioner had been granted the benefit of scale of 4020-6200 while working AC Mechanic from his previous scale of 3120-5160 and he was not heard at the time of passing the order.

The reply of the State is that notice was given on 19.04.2012, however, it is not denied that while passing the final order the petitioner was not associated.

Counsel for the State, on instructions from Mr. Kamal Kishore, SDE, o/o Executive Engineer, Water Supply & Sanitation Division No.1, Mohali submits that the competent authority will pass a fresh order after taking the objections from the petitioner.

Accordingly, the present writ petition is allowed. The order dated 02.08.2013 (Annexure P-10) is set aside with the liberty to the State to issue fresh show cause notice and decide the said issue after hearing the petitioner.

Needful be done within a period of 2 months from the receipt of the certified copy of this order.

In the meantime, no further recovery shall be effected. Recovery already made shall be adjusted as per the order which is to be passed.

OCTOBER 13, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE