

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

Sr. No.205

**CWP No.12685 of 2013
Date of decision: 22.01.2016**

Dalbir Singh

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Manoj Chahal, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The only issue pressed before me is the challenge to the order (Annexure P-3) through which after re-fixing the pay of the petitioner his initial pay has been ordered to be reduced from Rs.9580 to Rs.9300 w.e.f. 01.01.2006. The consequential recovery against the petitioner has also been challenged.

On 21.02.2002, the petitioner was appointed as a JBT Teacher in the scale of Rs. 4500-7000. On the revision of the pay scales w.e.f. 01.01.2006, the initial pay of the petitioner was fixed as of Rs.9580 in the pay scale of Rs.9300-34800 with grade pay of Rs.4200. However, vide the impugned order, the aforesaid pay of the petitioner has been re-fixed and as a result thereof the initial pay of the petitioner w.e.f. 01.01.2006 has been reduced to Rs.9300. As a consequence, recoveries have been ordered.

It is the admitted position that before re-fixation of the pay of the petitioner to his disadvantage neither any notice was issued to him nor any opportunity of hearing was granted. The action impugned in the present petition certainly entails civil consequence before which the petitioner was entitled to be issued notice and also to be granted personal hearing.

In view of the aforesaid facts, the re-fixation of the petitioner's pay through order dated 08.06.2012 (Annexure P-3) and the consequential recovery through order dated 12.06.2012 (Annexure P-4) are quashed. However, the respondents are granted liberty to take a fresh decision for re-fixing the petitioner's pay in accordance with law but after following the principles of natural justice. The needful be done within a period of three months from the date of receipt of a certified copy of this order.

After the aforesaid fresh decision is taken by the respondents with regard to placement of the petitioner in a particular pay scale the respondents would then consider and decide the issue with regard to grant of Ist ACP to the petitioner and such decision would be taken within three months of the passing of the aforementioned fresh decision.

The writ petition stands disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

January 22, 2016

Jyoti 1