

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

Date of decision:08/07/2016.

Kulvir Singh

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.RS Bajaj,Advocate and
Mr.Pranav Handa,Advocates for the petitioner.

Mr.Vaibhav Sharma,DAG Punjab for respondent no.1.

Mr.DS Patwalia,Senior Advocate assisted by
Mr.Kanan Malik,Advocate for respondents 2 to 4.

Jaswant Singh,J(Oral)

Petitioner was appointed as **Milk Procurement Assistant** on **24.12.1987** on adhoc basis in the Doaba Cooperative Milk Producers Federation Limited, a registered Society engaged in dispensation of milk and milk products. Petitioner was subsequently appointed on regular basis as **Dairy Helper-cum-Cleaner** w.e.f. **5.1.1990**. He was granted the benefit of adhoc service towards increments long time back. It transpires that employer realising that such benefit could not be granted in the light of definition of employee under Rule 2(f) of the Cooperative Milk Producers Union Employees Service (Non-Common Cadre)Rules,1996, straightway proceeded to refix his pay in the light of Audit Report and effected recovery. Hence the present writ petition.

Upon notice a reply has been filed and by way of **CM**

At the time of hearing learned counsel for the respondents very fairly concedes that employer has refixed petitioner's pay w.e.f. **1.1.1993** and on subsequent pay revisions and effected recovery without following the principle of natural justice as neither any show cause notice was issued nor was petitioner afforded opportunity to explain. In view of the settled principle of law that no action can be taken visiting any employee with civil consequences without following principle of natural justice, the impugned action is thus unsustainable.

In view of the above, present writ petition is allowed and impugned order dated **15.11.2014(P-2)** is quashed. However, the respondents would be at liberty to take appropriate action in accordance with law.

08.07.2016
joshi

(Jaswant Singh)
Judge