

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

CWP No.4374 of 2015

Date of Decision:26.10.2016

K.S. Unnikrishnan and another

... Petitioners

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Rajeev Anand, Advocate for the petitioner.

Mr. Pankaj Gupta, Advocate for the respondents.

P.B. BAJANTHRI J.

In the instant writ petition, the petitioners have questioned the order dated 12.11.2013 (Annexure P-7) by which second ACP granted to them on 7.3.2011 has been cancelled.

Learned counsel for the petitioners submitted that on 7.3.2011, the petitioners were granted MACP with reference to the policy existing for grant of second MACP. Whereas the respondents abruptly passed an order on 12.11.2013 (Annexure P-7) cancelling the order dated 7.3.2011 without issuing notice or heard in the matter.

Learned counsel for the respondents does not dispute that order dated 12.11.2013 has not been passed after following due procedure like issuance of notice and obtaining explanation etc. Hence, cancelling grant of 2nd MACP would reduce pay of the petitioners and it has civil consequences. In other words without hearing petitioners adverse order has been passed which is arbitrary.

Accordingly, order dated 12.11.2013 (Annexure P-7) by which the respondents have cancelled order dated 7.3.2011 is set aside.

The petition stands allowed.

The respondents are granted liberty to take action in accordance with law after giving due opportunity to the petitioners while issuing show cause notice and reason for not entitlement of second MACP be made known to the petitioners.

26.10.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**