

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

207

**CWP-19131-2012 (O&M)
Date of decision: 20.04.2017**

Narotam Dev Sharma and others

....Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Deepak Sonak, Advocate for the petitioners.

Mr. Hitesh Pandit, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioners have questioned the validity of order dated 17.09.2012 (Annexures P13 to P16) by which the Executive Engineer has withdrawn refixation of pay vide order dated 20.08.2011 (Annexure P7 to P9). Annexure P13 to P16 reads as under:-

*“OFFICE ORDER NO.16017
O/O THE EXECUTIVE ENGINEER
D&P PUBLIC HEALTH DIVISION
SONEPAT DATED THE 17.09.12*

OFFICE ORDER

The office order issued vide this office letter

No.7504 dated 20.08.2011 is hereby withdrawn.

EXECUTIVE ENGINEER

*OFFICE ORDER NO.16015
O/O THE EXECUTIVE ENGINEER
D&P PUBLIC HEALTH DIVISION
SONEPAT DATED THE 17.09.12*

OFFICE ORDER

*The office order issued vide this office letter
No.7565 dated 20.08.2011 is hereby withdrawn.*

EXECUTIVE ENGINEER

**OFFICE ORDER NO.16019
O/O THE EXECUTIVE ENGINEER
D&P PUBLIC HEALTH DIVISION
SONEPAT DATED THE 17.09.12**

OFFICE ORDER

*The office order issued vide this office letter
No.7566 dated 20.08.2011 is hereby withdrawn.*

EXECUTIVE ENGINEER

**OFFICE ORDER NO.16021
O/O THE EXECUTIVE ENGINEER
D&P PUBLIC HEALTH DIVISION
SONEPAT DATED THE 17.09.12**

OFFICE ORDER

*The office order issued vide this office letter
No.7567 dated 20.08.2011 is hereby withdrawn.*

EXECUTIVE ENGINEER”

The pay of the petitioners rightly or wrongly has been refixed vide Annexures P7 to P9. However, the same has been withdrawn by one sentence without assigning any reason so also without giving opportunity to the petitioners. Such withdrawal of refixation of pay would reduce the pay of the petitioners. Consequently, there is a civil consequences. Hence petitioners are entitled to be heard in the matter. On this score as well as non-speaking orders Annexures P13 to P16 are set aside.

If the respondents intends to withdraw Annexures P7 to P9 they are at liberty to issue show cause notice containing the reasons for withdrawal. Thereafter, proceed to pass final order while considering each of the contentions stated in the explanation to be submitted by the petitioners to show cause notice to be issued by the respondents.

With the above observation, petition stands allowed.

20.04.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No