

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18068 of 2013

Date of Decision:-14.03.2017.

Gurmeet Kaur and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Shyam Singh Chhokar, Advocate for the petitioners.

Mr. Hitesh Pandit, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioners have questioned the validity of the communication dated 11.6.2009 (Annexure P-4) by which grant of ACP has been withdrawn. Perusal of Annexure P-4, it is evident that no notice has been issued to the petitioners before withdrawing the granted ACP. No doubt reasons assigned for withdrawal of ACP is that the petitioners have foregone the promotion to the cadre of Head Teacher. At the same time, the petitioners are entitled to be heard in the matter where civil consequences are involved. In the present case, withdrawal of ACP granted to the petitioners has a civil consequence that is reducing the petitioner's pay. Hence, Annexure P-4 dated 11.6.2009 is liable to set aside. Accordingly, it is set aside reserving liberty to the respondents to issue show cause notice assigning the reasons with reference to any statutory

provision that if an employee foregoes promotion etc., in that event already granted ACP could be withdrawn or not and pass a detailed order and after due consideration of petitioners' reply to show cause notice and communicate the same to the petitioners.

Accordingly, petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

March 14, 2017.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.