

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

CWP-14869-2015

Date of Decision :11.07.2017

DHARAM SINGH

.....Petitioner

Versus

STATE OF HARYANA AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Pankaj Kundra, Advocate
for the petitioner.

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

AMOL RATTAN SINGH, J. (ORAL)

Learned State counsel could not deny that as a matter of fact no show cause notice was issued to the petitioner before passing the impugned order dated 21.04.2015, Annexure P-2, by which the ACP scales already granted to him since 1996 and thereafter in 2006, have been withdrawn and his salary refixed, on the ground that his suspension period from 21.09.1987 to 01.10.1987, was not taken into consideration at the time when the ACP scales were granted to him.

Thus, other than the fact that the order withdrawing the scales has been passed nineteen years after the first ACP scale was granted to him and about eight and half years after the second ACP scale was granted to him, even the principles of natural justice have not been complied with.

Consequently, the impugned order is quashed, and the matter is remitted to respondent no.4, i.e. the General Manager, Haryana Roadways, Rohtak, to reconsider the matter and if a decision is still to be taken to withdraw of the grant of such scales to the petitioner, for any valid reason, due notice shall be given to the petitioner before taking any

such action and after his reply has been received, he shall also be given an opportunity of personal hearing.

If, thereafter also, an adverse order is to be passed, detailed reasons dealing with all the objections raised by the petitioner shall be given in such order.

The petitioner shall also be entitled to costs of ₹5,000/-, he having had to approach this Court due to the respondents not even complying with the principles of natural justice.

(AMOL RATTAN SINGH)
JUDGE

July 11, 2017

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No