

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

201

**CWP-2727-2011 (O&M)
Date of decision:13.11.2017**

Om Parkash and others

....Petitioners

Versus

U.T.Chandigarh Administration and others

.... Respondents

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

Present: Mr. R.Kartikeya, Advocate for the petitioners.

Mr. Suvir Sehgal, Senior Standing Counsel and
Mr. Daman Dhir, Advocate for respondent No.1.

Mr. Jaivir Chandail, Advocate for respondents No.2 and 3.

P.B. BAJANTHRI, J. (ORAL)

In the present writ petition, petitioners have sought for the following relief:-

“i. *That the respondent be directed to fix the salary of the petitioners in the upgraded pay scale of Rs.2820-4400 w.e.f. 1.4.2003 by adding one increment as per the judgment dated 7.10.2009 (P-1) passed by the Supreme Court in accordance with the recommendations of the Shetty Commission and thereafter the pay of the petitioners be fixed accordingly on revision by 5th pay commission w.e.f.*

1.1.2006 in the revised pay scales admissible to the petitioners and pay all the arrears of salary along with interest @ 18% per annum on consequential arrears;”

Undisputed facts are that respondent No.3 refixed pay of the petitioners in extending one increment. Thereafter, proceeded to refix the pay and so also order for recovery without there being show cause notice and refixation order and its communication to the petitioners. In other words, such refixation of pay and recovery is ordered at the administrative/office level. Therefore, concerned respondent is hereby directed to prepare and issue show cause notice relating to refixation of pay and recovery, if any. After receipt of the petitioners' reply to such show cause notice final order be passed by the competent authority after due consideration of each of the contention and the same shall be communicated to the petitioners. Till then concerned respondent/competent authority is hereby directed to not to recover any amount from the petitioners if not already recovered. If they have already recovered, in that event the same shall be refunded within a period of 3 months from today. Refund of recovered amount would not come in the way of refixation of pay and ordering recovery in accordance with law.

With the above observation, CWP stands disposed of.

13.11.2017

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No