

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15069-2016 (O&M)

Date of Decision:-07.11.2017.

Sudeep Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. G.P.S. Bal Advocate for the petitioner.

Mr. Pawan Kumar Longia, Sr. panel Counsel for
UOI-respondent No. 1.

Mr. Vivek Singla, Advocate for respondent Nos. 2 and 3.

P.B. BAJANTHRI, J. (Oral)

CM-14468-CWP-2017

Written statement on behalf of respondent Nos.2 and 3 is taken
on record.

CM stands allowed subject to all just exceptions for the reasons
stated in the application as well as affidavit.

CWP-15069-2016

Petitioner has challenged the validity of the office order dated
19.02.2016 (Annexure P-16).

The petitioner while working as Estate Officer was granted
second financial upgradation w.e.f. 21.12.2008 under MACP Scheme vide
office order dated 31.12.2015. Thereafter, Ministry of HRD made certain

observations in respect of extending second financial upgradation to the petitioner was not in accordance with law. Consequently, the respondent No.3-Registrar of Sant Longowal Institute of Engineering & Technology proceeded to pass the office order on 19.02.2016 (Annexure P-16) while withdrawing the grant of second upgradation financial benefit under MACP Scheme. Hence, the present petition.

Learned counsel for respondent Nos. 2 & 3 fairly submitted that the office order dated 19.02.2016 (Annexure P-16) is without giving an opportunity to the petitioner to the extent of withdrawing the second upgradation of financial benefit under MACP Scheme. On the ground of non-adhering the principle of natural justice before passing the office order dated 19.02.2016 (Annexure P-16) is liable to be set aside. Accordingly, it is set aside. Reserving liberty to the respondents to proceed by issuing show cause notice containing the reasons of withdrawal. If the petitioner submits a detailed reply/explanation to the proposed show cause notice to be given is furnished, the concerned respondent is hereby directed to pass a speaking order and communicate while considering each of the contention raised by the petitioner in his reply/explanation.

With the above observations petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

November 07, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.