

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15441 of 2016.

Date of Decision:-25.07.2017.

Dinesh Chander

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. Sushil K. Sharma, Advocate for the petitioner.

Mr. Sunil Kumar Sharma, Sr. Panel Counsel for
UOI-respondents.

P.B. BAJANTHRI, J. (Oral)

Petitioner has questioned the validity of the order dated 10.5.2016 Annexure P-3 issued by respondent No.3.

The petitioner's pay has been re-fixed in the post of Assistant Sub Inspector/Executive with reference to certain dates and events as stated in Annexure P-3 dated 10.5.2016.

Learned counsel for the petitioner submitted that due to re-fixation of pay vide order dated 10.5.2016, further order of recovery has been ordered to the extent of a sum of ₹ 63,000. One of the contention of the petitioner is that before re-fixation and ordering recovery dated 10.5.2016, petitioner has not been heard in the matter.

Per contra leaned counsel for the respondents does not dispute

that order dated 10.5.2016 is after due notice to the petitioner.

Heard learned counsel for the parties.

In view of violation of principles of natural justice before passing the order dated 10.5.2016 to the extent of refixation of the petitioner's pay and ordering recovery, petitioner has not been provided opportunity of being heard. On this count, Annexure P-3 dated 10.5.2016 is liable to be set aside. Annexure P-3 order dated 10.5.2016 which is treated as proposal for refixation of the petitioner's pay and also for recovery. In this regard, petitioner is permitted to file his objection, if any, within a period of six weeks from today. After receipt of petitioner's objection, the concerned respondent- author of Annexure P-3 is hereby directed to pass a final order after due consideration of the petitioner's objection within a period of 8 weeks from the date of receipt of the petitioner objection.

With the above observation, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

July 25, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.