

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

CWP No.17856 of 2014 (O&M)

Date of decision : April 07, 2017

Ram Parshad Sharma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Saurabh Arora, Advocate for the petitioner.

Mr. Nikhil Chopra, Addl. A.G., Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

The petitioner joined as Junior Engineer on 24.08.1976 and was promoted as Sub Divisional Engineer on 14.09.2009. On attaining the age of superannuation, he retired from service on 31.12.2011.

It comes out that vide order dated 21.08.2002 (Annexure P-1), the petitioner when working as Junior Engineer was granted 2nd proficiency increment on account of completion of 24 years of service w.e.f. 24.08.2000 and he was granted higher pay scale.

It also comes out that after his retirement, respondent No.3-the Executive Engineer passed the impugned order dated 18.12.2012 (Annexure P-2), vide which the said proficiency increment granted on completion of 24 years of service was withdrawn. The pay of the petitioner was refixed and consequently, the another order dated 30.06.2014 (Annexure P-3) was passed vide which ₹1,03,160/- were ordered to be recovered from the amount of DCRG. Vide order endorsed on 12.08.2014 (Annexure P-4), the said amount was actually recovered from the DCRG of the petitioner being

the difference in fixation of pay.

The respondents have not denied the passing of the orders and rather have taken the stand that it has been correctly fixed and the proficiency step up has been correctly withdrawn.

I have heard learned counsel for the parties and have also carefully gone through the case file.

It comes out that the proficiency step up was granted to the petitioner vide order dated 21.08.2002 (Annexure P-1). The petitioner retired from service on 31.12.2011. The impugned order dated 18.12.2012 (Annexure P-2) was passed without giving any opportunity to the petitioner. No show cause notice was issued to him. Therefore, the impugned order dated 18.12.2012 (Annexure P-2) is patently illegal and against the principles of natural justice and is hereby quashed. Consequently, the subsequent order dated 30.06.2014 (Annexure P-3) and order endorsed on 12.08.2014 (Annexure P-4), regarding deduction from the DCRG are also hereby quashed.

However, the respondents are given liberty to issue a show cause notice to the petitioner and hear him and thereafter pass a speaking order.

As such, the present petition is allowed.

(KULDIP SINGH)
JUDGE

April 07, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No