

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

CWP No.26824 of 2014 (O&M)

Date of Decision: 23.01.2017

Dr. Preet Mohinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. V.K. Shukla, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ, order of directions in the nature of certiorari/mandamus for quashing the impugned orders dated 16.11.2004, 23.08.2005 and 17.01.2011.

The petitioner is Medical Officer serving in the State of Punjab. He was granted the benefits of proficiency step up and ACP in terms of the Punjab Government Policies on completion of 4, 9 and 14 years of regular service. The above stated policy decisions have been placed on record (Annexures P1 and P2). The benefits granted to the petitioner has now been withdrawn vide the impugned orders dated 16.11.2004, 23.08.2005 and 17.01.2011 (Annexures P-4, P-6, P-7) purportedly in compliance to the directions issued by a Division Bench of this court in *CWP No.15473 of 2009 (Sham Lal Saini vs. State of Punjab*

and others) decided on April 21, 2011. The aggrieved petitioner has approached this court.

The respondents have filed their reply-affidavit maintaining that the impugned orders have been validly passed as “Average” Confidential Reports of the petitioner was treated as favourable reports for granting the service benefits.

It is not disputed that the impugned orders have been passed without any show cause notice or an opportunity of being heard to the petitioner.

The service benefits were granted to the petitioner way back and he has been enjoying the same uninterruptedly. It is true that no recovery has been effected, but the impugned orders still entail penal consequences as the pay of the petitioner has been refixed at lower stages. It is well settled principle of law that an order visiting the Government employees with civil consequences cannot be passed without giving reasonable opportunity of being heard.

Consequently and for the reasons afore-stated, the writ petition is allowed and the impugned orders dated 16.11.2004, 23.08.2005 and 17.01.2011 (Annexures P-4, P-6, P-7) are hereby quashed, however, with the liberty to the respondents to issue a show cause notice and after hearing the petitioner, pass appropriate orders thereafter, in accordance with law.

January 23, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No