

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

Sr. No.114

Civil Writ Petition No.26606 of 2017
DECIDED ON: November 22, 2017

VED PRAKASH

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ram Niwas Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of certiorari quashing the order dated October 10, 2017 (P-9) whereby the petitioner has been denied the benefit of ACP scales admissible to him in view of Finance Department, Haryana vide Instruction dated August 27, 2014 (P-4) and further directed to restore the pay fixation of the petitioner dated April 12, 2013 (P-2), entry to which has been made in the Service Book of the petitioner at page Nos.36 to 40 by withdrawing the orders of fixation dated September 06, 2013 (P-3) as the petitioner is entitle for ACP scales in view of F.D. letter dated August 27, 2014 (P-4) wherein it has been clarified that technical pay scale if allowed

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prior to Ordinance, 2013 (Haryana Ordinance No.6 of 2013), viz the December 10, 2013, shall continue to draw the technical pay scales as a personal measure and consequently ACP scales are admissible to them on the basis of the same pay scales and further revise the pension and pensionary benefits of the petitioner after restoring the pay fixation dated April 12, 2013 (P-2) and release the arrear of pay, pension and pensionary benefits along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that petitioner was granted the fixation of his pay scale vide order dated April 12, 2013 (P-2). But subsequently without serving any show cause notice or affording any opportunity of being heard to the petitioner, the order dated April 12, 2013 (P-2) was withdrawn by passing the order dated September 06, 2013 (P-3) while fixation of afresh pay of the petitioner. Aggrieved against the aforesaid order dated September 06, 2013 (P-3), petitioner served a legal notice-cum-demand notice dated September 14, 2017 (P-8), which has been replied vide order dated October 10, 2017 (P-9), the claim of the petitioner has been declined/rejected for simply saying that he has already been granted all dues benefit under the Rules vide order dated September 06, 2013. However, no speaking order was passed even while declining the relief claimed by the petitioner through the instant petition.

3. Instant petition is disposed of with the direction to respondent No.3-General Manager, Haryana Roadways, Jind to pass a detailed/speaking order by considering all the facts and contentions put forth by the petitioner in his legal notice dated September 14, 2017 (P-8) absolutely in terms of Rules and Instructions of the Government including Instruction dated August 27, 2014 (P-4), that too, by giving a personal hearing of the

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petitioner, within a period of three months from the date of receipt of a certified copy of this order.

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

November 22, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No