

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

CWP-22566-2014 (O&M)

Date of Decision: 17.10.2018.

Dr. Jagjit Kaur Sodhi

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

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

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

JITENDRA CHAUHAN.J.(ORAL)

Through the instant civil writ petition, the petitioner *inter alia* seeks setting aside of order dated 17.01.2011 (Annexure P-3) passed by respondent No.1 vide which the benefit of higher pay scale under Assured Career Progression Scheme was postponed and the pay of the petitioner was re-fixed in the lower pay scale.

There is no reference in the reply to the effect that show cause notice was issued to the petitioner before passing the impugned order (Annexure P-3). In the identical case, **CWP No. 14282 of 2011 titled as Dr. Chander Parkash and others vs. State of Punjab and others decided on 23.01.2012**, this Court had observed as under:-

“During the course of hearing, it is not in dispute that the impugned orders have been passed without any show cause notice or an opportunity of being heard to the petitioners.

The service benefits were granted to the petitioners way back and they have been enjoying the same uninterruptedly. It is true that no recovery has been

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effected but the impugned orders still entail penal consequences as the pay of the petitioners have been refixed at lower stages. It is well settled principle of law that an order visiting the Government employee with civil consequences cannot be passed without giving reasonable opportunity of being heard.

Consequently, and for the reasons afore-stated, the writ petitions are allowed and the impugned orders dated 2/18.03.2010 (Annexures P-14 and P-18) are hereby quashed, however, with liberty to the respondents to issue a show cause notice, hear the petitioners and thereafter pass appropriate orders in accordance with law”

In view of the admitted position, the present civil writ petition is disposed of in the same terms as in CWP-14282-2011.

17.10.2018.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No