

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

CWP No.16042 of 2018

Date of Decision: 05.07.2018

Satish Kumar

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Naveen Singh Panwar, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. Complaint in this case is that the impugned orders dated 08.05.2018 & 16.06.2018 (Annex. P-12 & P-13) have been passed without notice and without affording an opportunity of hearing to the petitioner. *Ex-facie*, the statement appears to be incontrovertible.

2. The crux of the issue may be noticed without expressing any opinion thereon. The petitioner served as a Post Graduate teacher in Kendriya Vidyalaya, Guwahati, and, thereafter applied for and was appointed to Haryana Government service as a Lecturer in Hindi. He was granted benefit of post service towards pension and pay protection by an order dated 12.04.2017 (Annex. P-9). By the impugned order, the benefit of pay protection has been taken away, for the reason, that service in Kendriya Vidyalaya is not under the Haryana Government. This had led to pay reduction and revision of pay and the petitioner has been directed to deposit the arrears within 07 days of the letter dated 14.06.2018.

3. Issue notice of motion.

4. On the asking of the Court, Mr. Harish Rathee, Senior DAG, Haryana accepts notice on behalf of the respondents-State. Learned counsel for the petitioner has supplied a copy of the paper book to Mr. Rathee.

5. Without making any comments on the legal position, the prayer of the petitioner is accepted to the extent that the orders have been passed without notice and hearing which prejudice the rule of *audi alteram partem*, and, therefore, this petition is allowed to the limited extent that the orders Annex. P-12 & P-13 are quashed and the respondents are directed to pass a fresh order in accordance with law within one month after hearing the petitioner on the representation already filed by him.

6. Disposed of.

(RAJIV NARAIN RAINA)
JUDGE

05.07.2018

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*