

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8591 of 2018

Date of Decision: 06.04.2018

Madan Lal and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Mr. R.K. Malik, Sr. Advocate,
with Mr. Sandeep Dhull, Advocate,
for the petitioners.

RAJIV NARAIN RAINA, J.(Oral)

Two prayers have been made in this petition. One with respect to pension and the other regarding reduction of pay. As far as pension is concerned, the petitioners claim that they should be declared entitled to the Old Pension Scheme as prevailing prior to January 01, 2006.

On the question of pay reduction, the petitioning drivers in Haryana Roadways have argued not only that the reduction is illegal but has been made without notice and hearing and, therefore, the impugned orders reducing salary violate the principles of natural justice.

This petition suffers from misjoinder of causes of action as the two elements on which the petition has been brought are disparate, distinct and independent of each other, which may have to be decided separately. Therefore, this petition as far as claim for pension is concerned is dismissed with liberty to the petitioners to approach this Court again on that cause of action by filing a fresh petition. As far as claim based on reduction of pay, this petition deserves to be allowed on the short point that the orders could

not have been passed without issuing show cause notice, receiving objections and deciding them after hearing the petitioners either independently or in a representative capacity.

Without going into the merits of the case or expressing any opinion on the reduction of salary, this petition is allowed by setting aside the impugned orders by which the pay of the petitioners have been reduced. No reasons have been disclosed as what has weighed in the mind of the General Manager of the Haryana Roadways to make the deduction ex parte.

Accordingly, this petition is disposed of with a direction to the General Manager to issue show cause notices to the petitioners and other drivers who may be similarly situated and may not have approached Court. After receiving those objections, the competent authority would decide the matter in accordance with law after giving an effective opportunity of hearing to the petitioners and passing a speaking order. The same be conveyed to the petitioners. Needless to say, in case, orders adverse to the interest of the petitioners are passed, they would have liberty to seek legal redress.

With these observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

06.04.2018
manju/Vimal

Whether speaking/reasoned Yes/No

Whether reportable Yes/No