

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

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CM No.14942-CWP of 2015 in/and
Civil Writ Petition No.10503 of 2004

Date of Decision: January 16th, 2020

Balwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.K. Arora, Advocate
for the applicant-petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.14942-CWP of 2015

Prayer in this application is for fixing an early actual date for disposal of the main writ petition.

At the request made by the counsel for the parties, the main case is taken on board.

The applications stands disposed of.

CWP No.10503 of 2004

It is the contention of learned counsel for the petitioner that the petitioner was granted the pay scale of ₹1200-₹2100 in May 1990. The said pay scale which was granted to the petitioner was withdrawn vide order dated 07.08.2001 (Annexure P-3) by the Deputy Director, Animal Husbandry, Amritsar, which has been challenged by the petitioner on various grounds, one of which is that the competent authority has not issued any notice or called upon the petitioner to respond to the proposed action of withdrawal of his scale, which was granted to him earlier.

The said plea as taken by the petitioner has not been disputed by

the respondents. The only explanation which has been put forth is that the petitioner was inadvertently granted the said benefit which he was not entitled to.

Be that as it may, the fact remains that the petitioner has been granted a particular benefit by a competent authority, albeit by mistake, as asserted by the respondents but the said benefit could not have been withdrawn by the respondents without giving him an opportunity of explaining the claim, which he had already been granted. Without giving any notice or calling for an explanation of an employee, on whom a benefit has been conferred, would amount to violation of the principles of natural justice. That being so, the impugned order dated 07.08.2001 (Annexure P-3) cannot sustain and is hereby set aside.

Liberty is, however, granted to the respondents to issue notice to the petitioner and after giving him an opportunity of hearing, proceed to pass appropriate orders in accordance with law.

The writ petition stands disposed of with above observations.

January 16th, 2020

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No