

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

CWP No.14645 of 2016

Date of decision: 11.02.2020

Tarsem Lal

....Petitioner

Versus

Haryana Urban Development Authority and ors.

...Respondents

Coram: Hon'ble Mr. Justice B.S. Walia

Present: Mr. D.C. Mittal, Advocate and Mr. Ujwal Mittal, Advocate for
the petitioner.

Mr. Tarun Seth, Advocate for Mr. Sumit Jain, Advocate for the
respondents.

B.S. Walia, J. (Oral)

Prayer in the writ petition under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari for quashing order Annexure P-5 dated 4.2.2016 and further for issuance of a writ in the nature of mandamus directing the respondents to fix the pay of the petitioner in the pay scale of ₹4000-100-4800-EB-6000/- w.e.f. 11.6.1997 i.e. the date when the petitioner was granted 'A' Class Wireman Permit and further the same be revised to ₹4440-7440+₹1300 G.P w.e.f. 1.1.2006.

2. Learned counsel contends that the impugned order refixes the pay of the petitioner in a lower scale than what was fixed a decade prior thereto that too without giving an opportunity of hearing therefore, the impugned order is liable to be set aside on this short ground alone and the writ petition allowed.

3. Faced with the aforementioned submission, learned counsel for the respondents while conceding that pay of the petitioner was refixed vide

order Annexure P-5 without giving any opportunity of hearing states that an opportunity be granted to the respondents to refix the pay of the petitioner after complying with the principles of natural justice.

4. The same satisfies learned counsel for the petitioner.

5. In view of the position as noted above, the writ petition is allowed. Impugned order Annexure P-5 dated 4.2.2016 is set aside. However, liberty is granted to the respondents to refix the pay of the petitioner after complying with the principles of natural justice and giving opportunity of hearing to the petitioner.

February 11, 2020
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

