

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15754-2018

Date of Decision:-06.02.2020

KULBIR KAUR

.....Petitioner

Versus

BHAKHRA BEAS MANAGEMENT BOARD AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. I.D. Singla, Advocate
for the petitioner.

Mr. Sudhanshu Makkar, Advocate
for the respondents.

SANJAY KUMAR, J. (Oral)

The petitioner, a Law Officer in the Bhakhra Beas Management Board, is aggrieved by the re-fixation of her pay under order dated 16.06.2016 (Annexure P-8).

It is the case of the petitioner that she was not put on notice or afforded an opportunity of hearing prior to such re-fixation. The written statement filed by the respondent-Bhakhra Beas Management Board does not rebut this claim of the petitioner.

Mr. Sudhanshu Makkar, Advocate for the respondent- Bhakhra Beas Management Board, also does not dispute the fact that the petitioner was not given an opportunity to put forth her case vis-a-vis the proposed re-fixation. It is manifest that by such re-fixation, the time-bound promotional scale which was extended to the petitioner, upon her own asking, was

petitioner, it was incumbent upon the Board to put the petitioner on notice and afford her an opportunity. The re-fixation effected by the Board is therefore in clear violation of the principles of natural justice.

Though Mr. Sudhanshu Makkar, learned counsel, would refer to the 'Notice of motion' order dated 10.05.2018 passed in CWP No. 11731 of 2018 filed by the petitioner herself, it is clear therefrom that this Court left it open to the petitioner to file a separate writ petition with regard to the withdrawal of the increment granted to her when she joined the post of Law Officer, without passing any order. It cannot therefore be said that this Court already held against the petitioner on this count. In any event, as stated supra, the violation of the rule of audi alteram partem is clear and apparent.

The writ petition is accordingly allowed setting aside the pay re-fixation order dated 16.06.2016 (Annexure P-8). It shall be open to the Board to effect such re-fixation, if warranted, by adhering to the due procedure and the principles of natural justice. The exercise in this regard shall be concluded expeditiously and in any event, not later than six weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

06.02.2020
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.