

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

229

Civil Writ Petition No.23975 of 2017
Date of Decision: February 28th, 2020

Varinder Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 24.10.2017, following order was passed by this Court on the basis of the submissions made by learned senior counsel for the petitioners:-

“Learned counsel for the petitioners submits that the petitioners were granted benefit of ACP and their pay was revised subsequently. They were paid annual increments regularly. There was no misrepresentation or concealment on their part. The impugned orders have been passed without giving any opportunity of hearing and without issuance of any show cause notice. Learned counsel also submits that even no reason, whatsoever, has been mentioned in the impugned order as to why pay of the petitioners has wrongly been fixed and as such the impugned orders are totally non-speaking.

Notice of motion for 18.01.2018.

Meanwhile, operation of impugned orders dated 21.03.2017/03.04.2017 (Annexure P-6) and 24.03.2017/11.04.2017 (Annexure P-7) shall remain stayed. ”

2. In the reply which has been filed by the respondents, there is no specific denial to the assertions as made by the counsel for the petitioners.
3. In the light of the fact that while passing the impugned order dated 21.03.2017/03.04.2017 (Annexure P-6) and 24.03.2017/11.04.2017 (Annexure P-7), neither any notice nor any hearing prior to passing of the said orders was given to the petitioners, thus, violating the principles of natural justice.
4. In view of the above, the present writ petition is allowed.
5. Impugned order dated 21.03.2017/03.04.2017 (Annexure P-6) and 24.03.2017/11.04.2017 (Annexure P-7) are hereby quashed.
6. Liberty is, however, granted to the respondents to pass a fresh order by complying with the principles of natural justice, if so advised.

February 28th, 2020
Puneet

(AUGUSTINE GEORGE MASHI)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No