

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

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CWP-1096-2022 (O&M)

Date of decision : 03.08.2022

Darshan Kumar

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Ms. Sidhi Bansal, Advocate for the petitioner.

Mr. T.P.S. Chawla, DAG, Punjab.

Ms. Manmohan Kaur Dhaliwal, Advocate
for respondents No.2 and 4.

Anupinder Singh Grewal, J. (Oral)

CM-8884-CWP-2022

This application is for preponement of the date fixed in the main case.

As the main case is listed today, this application has been rendered infructuous.

The application stands disposed of as infructuous.

Main case

The petitioner has impugned the letter/order of revised pay fixation dated 15.09.2021 (Annexure P-5) whereby he has been reverted from the post of Associate Professor to Assistant Professor and his pay has been reduced.

Learned counsel for the petitioner submits that the petitioner has been reverted from the post of Associate Professor to Assistant Professor and his pay scale has been reduced without affording an opportunity of hearing.

She further submits that AICTE has issued a clarification on 17.09.2021 which would indicate that the petitioner was fully eligible to work as Associate

Professor. She also submits that the respondents had already effected a part of the recovery which was not justified and the petitioner would be making a representation in that regard.

Learned counsel for respondents No.2 and 4 submits that as the State Government is examining the matter and only after a decision is taken by the Director, Technical Education-respondent No.4 will be in a position to reconsider the case of the petitioner.

Heard.

A perusal of the impugned order and the material on record does not indicate that any notice was issued to the petitioner before passing the impugned order reducing the salary and reverting him to the post of Assistant Professor.

Therefore, I am of the considered view that the impugned order is in violation of principles of natural justice. Consequently, the petition is allowed and the impugned order dated 15.09.2021 (Annexure P-5) is set aside. However, respondent No.4 shall be at liberty to pass a fresh order after considering reply of the petitioner and affording him an opportunity of hearing in the light of the letter and other relevant material and take a decision thereon within a period of three months.

If the petitioner has any subsisting grievance, he would be at liberty to file a representation in that regard and respondent No.4 would also pass a speaking order on his representation in the aforementioned period.

(ANUPINDER SINGH GREWAL)
JUDGE

August 03, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No