

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

CWP-1975-2022

Date of decision: 03.02.2022

SAVITA DEVI AND ORS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sunil Kumar Bhardwaj, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seeks issuance of a writ in the nature of certiorari to quash the order dated 12.01.2022 (Annexure P-15) passed by respondent No.2, whereby an earlier order dated 02.07.2020 (Annexure P-14), granting promotion and better pay scale has been withdrawn.

2. I have heard learned counsel for the petitioner and gone through the case file.

3. Concededly, the impugned order dated 12.01.2022 has been passed without either granting any opportunity of hearing to the petitioner and/or issuing any show cause notice. And yet, not only their designations have been downgraded, which as per the petitioners amounts to demotion, on the other hand, even their pay scales have been changed to their detriment, inasmuch as, there has been reduction in their pay band in which they had earlier been placed i.e. Rs.5,200-20,200+2,400 grade pay, resulting in substantial decrease in their monthly salary.

4. Notice of motion.

5. On advance service, learned State counsel joins proceedings and strenuously opposes the petition. He argues that impugned order itself is self-speaking and reasons contained therein do not call for any interference by this Court.

6. Be that as it may, it is not controverted that the petitioners were neither heard nor issued any show cause notice before passing of the order impugned herein. In the absence thereof, I am not sure if the competent authority while passing the order indeed knew the defense of the petitioners to oppose such a move. Reasons given in the impugned order leading to the downgrading of the pay scales as well as re-designating the petitioners from Accounts Clerk to Clerks ought to have been stated after knowing what the petitioners had to say. Clearly, it is not the case of the respondents that vide impugned order dated 12.01.2022 (Annexure P-15), neither the rights of the petitioners are adversely affected nor even otherwise they are prejudiced in any manner. In fact, on the both counts, petitioners have been put to serious disadvantage, inasmuch as, on one hand they claim that they have been demoted and on the other, their salaries have been substantially reduced.

7. In the premise, on the basic principle of natural justice, it was expected of the respondents to have afforded an opportunity to the petitioners to put forth their case before passing the adverse orders qua them, which are under challenge before this Court.

8. In view of the aforesaid observations, the respondents are directed to grant an opportunity to the petitioners to either put forth their

case by way of representation and/or grant them an opportunity of

personal hearing, with liberty to pass fresh orders as they may deem appropriate after considering their defense.

9. As an upshot of the above, impugned order is set aside with liberty to pass fresh orders.

10. Disposed of accordingly.

(ARUN MONGA)
JUDGE

February 03, 2022
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No