

204
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14286-2021

Date of decision: 15.09.2022

Madhu Vohra

.....Petitioner.

vs.

State of Haryana and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Rajesh Arora, Advocate, for the petitioner.

Mr. Sandeep Singh Maan, Addl. AG, Haryana.

.....

Harsimran Singh Sethi, J. (oral)

Learned counsel for the petitioner argues that in the present petition, the impugned order dated 01.07.2021 (Annexure P-6) has been passed without observing the Rules of Natural Justice or giving any opportunity of hearing to the petitioner to submit his objection as to why, the pay or the pension of the petitioner need not to be reduced by the respondents and that too retrospectively.

Learned counsel for the petitioner submits that had the petitioner been given an opportunity of hearing, the petitioner would have explain his side as to why, the pension of the petitioner need not to be reduced as has been reduced by the impugned order dated 01.07.2021 (Annexure P-6).

Learned counsel for the petitioner further submits that the action of the respondents in passing an order which causes prejudice to an employee is contrary to the settled principal of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 9417 of 2019 titled as *M/s Daffodills Pharmaceuticals Ltd. and another vs. State of U.P and another, 2019 (12) JT 283*, decided on 13.12.2019.

Faced with this situation, learned counsel for the respondents submits that as, nothing has come on record to show that the impugned order was passed after complying with the Rules of Natural Justice, the impugned order dated 01.07.2021 may kindly be treated as withdrawn with liberty to the respondents to pass a fresh order in accordance with law after giving due opportunity of hearing to the petitioner.

Learned counsel for the petitioner submits that the petitioner has been paid the reduced pension from the date of passing of the impugned order till today, hence, the petitioner be given the arrears of the pension which he is entitled for.

Keeping in view the fact that the impugned order has been withdrawn on the basis of technicalities and not on merits, it is directed that henceforth, the petitioner will be paid the pension at the rate which the petitioner was getting prior to the passing of the impugned order but with regard to the arrears, the same will depend upon the fresh order which the respondents will pass. In case after passing of the fresh order the respondents find that the petitioner's pension was not to be reduced, then in that case even the arrears for which the petitioner is entitled for in the *integrum* i.e. from the date of the passing of the impugned order till the pension is restored will also be extended to the petitioner.

(HARSIMRAN SINGH SETHI)
JUDGE

15.09.2022
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