

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-16904-2022

DATE OF DECISION: 03.08.2022

SUKHBIR SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rishabh Gupta, Advocate for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

Ms. Monica Chhibber Sharma, Advocate
for respondents No.2 & 4.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the letter/order of revised pay fixation dated 14.09.2021 (Annexures 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. He also submits that AICTE has issued a clarification on 24.01.2022, which would indicate that the petitioner was fully eligible to work as Associate Professor.

Issue notice to the respondents.

Mr. TPS Chawla, DAG, Punjab accepts notice on behalf of respondents No.1 & 3.

Ms. Monica Chhibber Sharma, Advocate accepts notice on behalf of respondents No.2 & 4 and 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 re-consider the case of the petitioner. The impugned order has been passed without any notice or opportunity of hearing to the petitioner which is a gross violation of principles of natural justice.

Consequently, the impugned order is set aside. The petition is disposed of with a direction to respondent No.1 to consider and decide the issue while keeping in view the AICTE clarification and other relevant material within a period of three months. Thereafter, respondent No.4 would 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.

03.08.2022*SwarnjitS***(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No