

**In the High Court of Punjab and Haryana at Chandigarh**

**209**

**CWP-25030-2013 (O & M)**

**Date of Decision: October 10, 2022**

**SUSHMA AND OTHERS**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr.A.S.Chadha, Advocate for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

Ms. Tamanna Banwala, Advocate for  
Mr. Kshitij Sharma, Advocate for respondent No.4.

Mr. Rajesh Lamba, Advocate for respondent No.5.

Mr. Nikhil Vats, Advocate for  
Mr. Dinesh Arora, Advocate for respondent No.6.

Mr. Nischal Chetanya Manchanda, Advocate for  
Mr. Jagdish Manchanda, Advocate for respondent No.7.

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**ANUPINDER SINGH GREWAL, J (ORAL)**

Learned counsel for the petitioners submits that the petitioners had been appointed as Librarians in the year 2011. The appointment letters issued to the petitioners specified the pay scale of Rs.9300-34800 plus 3200 grade pay. The petitioners were being paid salary in this pay scale for over two years and the respondents by the impugned order dated 05.09.2013 have arbitrarily reduced the pay scale of the petitioners without issuance of any notice or affording them opportunity of hearing.

Learned counsel for the respondents, however, submit that there was an error in the appointment letter of the petitioners as the pay scale had

been wrongly mentioned. The official, who was responsible for this error has been proceeded against departmentally. It is provided in the Haryana Municipal Services (Integration, Recruitment and Conditions of Service) Rules, 2010 that the pay scale for the post of Librarian would be Rs.5200-20200 plus 2400 grade pay and, therefore, by the impugned order the petitioners were placed in the correct pay scale.

Heard.

It is manifest that the impugned order has been passed without issuance of any notice or opportunity of hearing to the petitioners. This Court by the interim order dated 06.12.2013 had stayed the recovery of any alleged excessive amount paid as salary. The respondents have not issued any order for effecting recovery from the petitioners. The pay scale which the petitioners have been drawing for over two years had been reduced by the respondents without affording them any opportunity of hearing. This order is in violation of the principles of natural justice.

Consequently, the petition is allowed and the impugned order is set aside. However, the respondents would be at liberty to pass a fresh order after issuance of notice and affording of opportunity of personal hearing. Needful shall be done within a period of three months from the date of receipt of certified copy of this order.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**October 10, 2022**  
**A.Kaundal**

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/ reasoned | : | Yes/No |
| Whether Reportable         | : | Yes/No |