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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10250 OF 2017

Suhas Kamalakar Ghaisas

..... Petitioner

Vs.

The Director,
Advanced Centre for Treatment,
Research & Education in Cancer and Anr.

..... Respondents

Mr.Mandar Soman for the Petitioner

Mr.Agnel Carneiro a/w Mr.Vaibhav Shah i/b M/s.Mulla and Mulla
and Craigie Blunt and Caroe for the Respondents

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : APRIL 25, 2023

P.C.

1. We have heard the learned Counsel for the Petitioner and the learned Counsel for the Respondents.
2. The Petitioner assails the corrective measures adopted by the employer thereby revising the basic pension.
3. Apart from the other contentions, one of the contentions of the learned Counsel for the Petitioner is that the impugned order is passed without issuing show cause notice to the Petitioner.
4. The learned Counsel for the Respondents on instructions does

not dispute that the show cause notice is not issued to the Petitioner prior to the passing of the impugned order. However, submits that the impugned communication is based upon the directions of the competent authority.

5. Be that as it may, when the order prejudicial to the interest of any employee is passed, the minimum requirement is adherence to the principles of natural justice.

6. In light of that, since the impugned communication is passed without any notice to the Petitioner, we quash and set aside the impugned communication.

7. The Respondents would be at liberty to issue show cause notice to the Petitioner.

8. In case the show cause notice is issued to the Petitioner with regard to the corrective measures as sought to be undertaken in the impugned communication then the Petitioner may reply to the said show cause notice within 15 days of the receipt of the show cause notice.

9. The authority is thereafter, entitled to take a decision afresh.

10. All contention on merits are kept open.

11. Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)