

245

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1458-2023 (O&M)
Date of Decision:28.08.2023

PULAGAM VISAKHI

..... Petitioner

Versus

INDIAN INSTITUTE OF SCIENCE EDUCATION AND
RESEARCH AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Arjun Pratap Atma Ram, Advocate and
Ms. Shreya Kaushik, Advocate
for the petitioner.

Mr. Shireesh Gupta, Advocate
for respondents No.1 and 2.

Mr. Anil Chawla, Advocate
for respondent No.3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 is seeking setting aside of order dated 10.10.2022 (Annexure P-24) whereby salary of the petitioner has been re-determined and there is order of recovery.

2. Learned counsel for the petitioner, at the outset, submits that impugned order has been passed without issuing show cause notice followed by opportunity of personal hearing, thus, impugned order has been passed in gross violation of natural justice.

3. Learned counsel for the respondents No.1 and 2 pointing out para 17 (i) of the reply concedes that impugned order has been passed without granting opportunity of personal hearing.

4. It is settled proposition of law that no order entailing even civil consequences can be passed without granting opportunity of personal hearing.
5. Concededly, impugned order has been passed without granting opportunity of personal hearing, thus, present petition deserves to be allowed and accordingly allowed. The impugned order is set aside. The respondents are at liberty to pass fresh order, after granting opportunity of personal hearing.
6. Pending misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

28.08.2023

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>