

CWP-1429-2023 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

119+247

CWP-1429-2023 (O&M)

Date of Decision: 25.09.2023

Praveen Kumar Srivastava

...Petitioners

Versus

Indian Institute of Science Education and Research (IISER) and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Arjun Pratap Atma Ram, Advocate
for the petitioner

Mr. Shireesh Gupta, Advocate
for respondent Nos.1 and 2

Mr. Anil Chawla, Senior Panel Counsel,
for Union of India-respondent No.3

JAGMOHAN BANSAL, J. (Oral)**CM-16285-CWP-2023**

The applicant/respondent No.1 through instant application is seeking permission to place on record additional affidavit dated 21.09.2023 of respondent No.1.

For the reasons set out application, the same is allowed. Additional affidavit is taken on record. Registry is directed to tag the same at appropriate place.

CM stands disposed of.

CWP-1429-2023 (O&M)

1. The petitioner, through instant petition under Articles 226/227 of the Constitution of India, is seeking setting aside of Order dated 30.09.2022 (Annexure P-22) whereby salary of the petitioner has been reduced to the

extent of pension received by the petitioner from his earlier organization. The respondent has further initiated recovery with respect to alleged excess payment already made.

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 21 (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.

Pending application(s) also stand(s) disposed of.

(JAGMOHAN BANSAL)
JUDGE

25.09.2023
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No