

115.

2023:PHHC:048336

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

CWP-6948-2023

Date of Decision: 10.04.2023

KRISHAN KUMAR AND ORS.

.... Petitioners

Versus

B.P.S. MAHILA VISHWAVIDHALAYA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Yesh Paul Malik, Advocate, for the petitioners.

JAISHREE THAKUR.J (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing office memo dated 09.01.2023 Annexure P-13 whereby the respondent-University is seeking to refix the pay/pension of its employees including the petitioners by withdrawing the ACP scale which was granted to them after due approval of the Government of Haryana, Department of Finance. Various other benefits that have been allowed to the petitioners are also sought to be withdrawn.

2. Learned counsel appearing on behalf of the petitioners would submit that some of the petitioners are working in MSM Institute of Ayurveda and were absorbed in the respondent University whereas some of them worked there. They were being given certain benefits after they were absorbed in the University and brought on a regular cadre w.e.f. 27.02.2009 with their pay being protected. ACP scale was also allowed to the petitioners as had been allowed to other employees who had approached this Court by way of filing a writ petition, however, the same is now sought to be

withdrawn without affording any opportunity of hearing to the petitioners herein.

3. Notice of motion.

4. At this stage, Mr. Sudarshan Kumar, Advocate, has put in appearance and accepts notice on behalf of respondent-University. He would submit that it is on the basis of the decision given in CWP No.11686 of 2004 that directions have been issued for re-fixation of pay/pension of all the non-teaching/teaching employees who are/were under the Grant-in-Aid and Self Finance Scheme.

5. At this stage, counsel for the petitioners would point out that reliance of the University on CWP No.11686 of 2004 is misguided and misplaced as it does not pertain to the petitioners herein.

6. Having heard learned counsel for the parties, this Court deems it appropriate to dispose of the writ petition giving a direction that in case any adverse order is to be passed against the petitioners herein seeking to re-fix their pay scales/withdrawing ACP or any other benefits as already allowed to them, the same will be done only after following the rules of natural justice i.e. after giving them an opportunity of being heard before passing any such order. Adequate notice will be issued to the petitioners in this regard before any order is passed.

7. Ordered accordingly.

(JAISHREE THAKUR)
JUDGE

10.04.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No