

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

207+102

**CM No.6908 of 2023 in/and
CWP No. 26450 of 2014
Date of Decision : 31.7.2023**

Suresh Kumar

..... Petitioner

versus

*Deenbandhu Chhotu Ram University of Science and Technology, Murthal
and others*

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. N.K. Malhotra, Advocate, for the petitioner

Mr. Sanjeev Kumar Sharma, Advocate, for
Mr. R.K. Ravesh, Advocate, for respondents no.1 and 2

Mr. Amit Rao, Advocate, for
Mr. Anurag Goyal, Advocate, for respondent no.3

TRIBHUVAN DAHIYA J. (ORAL):

CM No.6908 of 2023

The application is allowed. Replication along with Annexures P-10 to P-12 are ordered to be taken on record. Exemption from filing the certified/typed copies thereof is granted.

CWP No.26450 of 2014

This petition has been filed seeking a writ of *certiorari* quashing the order dated 2.12.2014 (Annexure P-7) vide which respondent no.2 has reduced and refixed the petitioner's pay without citing any reason and without hearing him. It is, therefore, claimed that the order is in violation of the Principles of Natural Justice.

2. Learned counsel appearing for respondent no.2 is not in a position to dispute the fact that the order was passed without affording any opportunity of hearing to the petitioner, whereby his pay scale was reduced from Rs. 7740+2400=10140+200 SP to Rs. 5740+2400=8140+200 SP.

3. Learned counsel appearing for respondent no.3/Maharishi Dayanand University submits that at the time of passing of the impugned order, the petitioner, who was earlier serving as Driver with respondent no.2 had joined respondent no.3/University on deputation on 28.2.2014, and was subsequently absorbed in the University.

4. As per facts apparent on record, the impugned order was passed after the petitioner had already left service of respondent no.2, and joined respondent no.3/University on deputation; besides, the order was passed without affording any opportunity of hearing to him. Apparently, therefore, it is in violation of the Principles of Natural Justice and is unsustainable.

5. In view thereof, the impugned order dated 2.12.2014 is hereby set-aside granting liberty to respondents no.1 and 2 to pass a fresh order in accordance with law, after complying with the Principles of Natural Justice.

6. Disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

31.7.2023
Ashwani

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