

248

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP No. 22196 of 2022 (O&M)****Date of decision : 10.04.2023**

Ajay Kumar & another

..... Petitioners

versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******

Present :- Mr. Rishabh Gupta, Advocate
for the petitioners.

Ms. Shivani Sharma, DAG, Punjab.

Ms. Monica Chhibber Sharma, Advocate
for respondents No.3 & 4.

*********PANKAJ JAIN, J. (ORAL)**

On 29.03.2023, the following order was passed :-

“Short reply by way of additional affidavit of Jagdeep Singh Sidhu, Deputy Director, Department of Technical Education and Industrial Training, Punjab, Chandigarh has been filed on behalf of respondents No.1 and 2 today in Court. The same is taken on record.

In its affidavit Deputy Director has taken the following stand :-

“4. That after withdrawal of the impugned letter dated:02.11.2021, the present civil writ petition has now become infructuous and is therefore liable to be dismissed.

5. That the answering respondents have highest regards for the orders of this Hon'ble court and tenders unconditional apology for any lapse on our part at the very first instance.

Therefore, the Hon'ble High Court is prayed to drop the stricture imposed vide interim order dated: 27.03.2023.”

On the other hand counsel for the petitioners submits that the said amount is after deduction.

Affidavit of Dr. Susheel Mittal, Vice-Chancellor Sardar Beant Singh State University, Gurdaspur has been filed on behalf of respondents No.3 and

4 today in Court. The same is taken on record.

Counsel representing the State as well as University has not been able to show as to how salary of the petitioners can be deducted without even granting them opportunity of hearing.

The University is insisting that it has to comply with the directions issued by the Government. On the other hand, the Government has not been able to clarify its stand as to how an order deducting the salary of an employee without granting him an opportunity of hearing can be sustained.

In prima facie view of this Court a fresh order has to be passed after granting opportunity of hearing to the employee and only thereafter recovery if any can be effected.

To await further response from the respondents, adjourned to 10th of April, 2023.

In the meantime, salary of respondent No.2 for this month be released. However, his salary for the next months shall abide further orders.

Today learned counsel for respondents No.3 & 4 has filed affidavit of Shri Susheel Mittal, Vice Chancellor, Sardar Beant Singh State University, Gurdaspur to submit that subsequent to the said order all the petitioners have been paid arrears of their respective salaries and have been issued show cause notice in light of the dictum issued by the State and till final order with respect to re-fixation/revision of their salaries made, the petitioners shall keep on getting their total salaries without any cut.

Consequently, nothing remains to be adjudicated at the hands of this Court.

Dismissed as having been rendered infructuous.

(PANKAJ JAIN)
JUDGE

10.04.2023

Pooja sharma-I

Whether speaking/reasoned

Yes

Whether Reportable :

No