

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

118+204

CWP-24863-2022 (O&M)
Date of Decision: 25.09.2023

Purnananda Guptasarma**...Petitioners**

Versus

Indian Institute of Science Education and Research Mohali 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)

1. The petitioner, through instant petition under Articles 226/227 of the Constitution of India, is seeking setting aside of Orders dated 30.09.2022 (Annexure P-28 and P-30) 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 orders have been passed without issuing show cause notice followed by opportunity of personal hearing, thus, impugned orders have 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 orders have been passed without granting opportunity of personal hearing. However, he submits that respondent may be permitted to take cognizance of letter dated 23.09.2022 authored by the petitioner and addressed to the respondent.

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 orders have been passed without granting opportunity of personal hearing, thus, present petition deserves to be allowed and accordingly allowed. The impugned orders are set aside. The respondents are at liberty to pass fresh order, after granting opportunity of personal hearing. The respondents are at liberty to take cognizance of letter dated 23.09.2022 of the petitioner addressed to the respondent.

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

(JAGMOHAN BANSAL)
JUDGE

25.09.2023
Mohit Kumar

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