



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

416

Date of decision: 23.05.2024

- (1) CWP-11377-2001 (O&M)
Karamjit Singh and Ors vs. State of Punjab and Others
- (2) CWP-329-2004
Amanbir Cheema and Others vs. State of Punjab and Others
- (3) CWP-16788-2005
Vikas Dhir vs. State of Punjab & Ors.

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. A.K. Walia, Advocate for the petitioners

Mr. Swapan Shorey, DAG Punjab

AMAN CHAUDHARY. J. (ORAL)

1. These cases involve similar issues and therefore, are being disposed of together by this common judgment.
2. The prayer in the present petitions is for quashing the Memo No.27/77/98-4/11764 dated 23.05.2001 issued by respondent No.1 being wrong, unjust, arbitrary.
3. Learned counsel for the petitioners places reliance on the judgment passed by the Division Bench of this Court in **Dr. D.S. Bhullar and Others vs. Principal Secretary, Dept. of Health & Family Welfare and Others** in CWP-15661-2000, involving the same issue of withdrawal of increments granted on basis of higher qualifications without giving any opportunity of hearing, which was disposed of vide order dated 04.07.2002, which reads thus:

“The petitioners in these four cases are working as Medical Officers. They complain that the respondent-authorities have arbitrarily ordered the withdrawal of increments which had been granted on the basis of higher qualifications or other similar reasons. By way of instance, reference has been made to order dated October 3, 2000,

produced as Annexure P/3 in Civil Writ Petition No. 15661 of 2000. The pay of Dr. Parveen Mittal has been reduced. The petitioners complain that no opportunity whatsoever was given before the orders for reduction of pay were passed.

Written statement has been filed by respondent No.5 in Civil Writ Petition No. 15661 of 2000. In this reply, explanation with regard to petitioner No.15 has been given. The position regarding the remaining petitioners has not been explained.

Mr. D.V.Sharma, Additional Advocate General, Punjab states that the orders for revision of pay, if issued in respect of any of the petitioners in these four cases, may be deemed to have been withdrawn. The pay of the petitioners, if reduced, shall be restored to its original position. In case any recovery has been made, the amount shall be re-imbursed. The department shall consider and decide the matter afresh after hearing the persons concerned. The matter shall be decided by the appropriate authority after giving a due and reasonable opportunity to the officers.

In view of the above, the orders of reduction of pay, if any, are quashed. The respondents shall decide the matter in accordance with law and after observing principles of natural justice. The amount, if any, recovered from the petitioners, shall be reimbursed.

The writ petitions are accordingly disposed of.
No costs.”

4. Learned State counsel has not been able to draw out any distinctive aspects in the aforementioned judgment, in view of which, the present petitions are disposed of in terms **Dr. D.S. Bhullar** (supra).
5. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

23.05.2024
M.Kamra

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