

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

LPA-583-2024 (O&M)
Decided on : 29.02.2024

State of Haryana & another

.....Appellant(s)

Versus

Indu Bala

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present:- Mr.Deepak Balyan, Addl.A.G., Haryana, for the appellants.

G.S. Sandhawalia, ACJ (Oral)

CM-1433-LPA-2024

1. Allowed as prayed for.
2. CM stands disposed of.

LPA-583-2024 (O&M)

3. Consideration in the present appeal is to the judgment dated 23.03.2023 passed by the Learned Single Judge whereby CWP-2535-2017 was allowed.

4. We take up the main appeal on merits which is barred by 38 days in filing and 145 days in refilling which are hereby condoned for the reasons given in the applications supported by affidavit of the official.

5. The Learned Single Judge set aside the orders dated 04.10.2010 and 09.12.2010 (Annexures P-4 & P-5, respectively) whereby the employee's pay had been reduced substantially with retrospective effect. The reason which weighed with the Learned Single Judge was that no notice was issued while doing so with retrospective effect since the same was done w.e.f. 28.12.2007. Secondly that no notice had been given and no opportunity had been granted to the employee to explain the move and principles of natural justice were as such violated. However, while granting the benefit of the amount which was due, limited relief was granted to the

extent that payment of arrears were restricted for a period of 38 months prior to the filing of the writ petition and a conditional order regarding the interest @ 6% per annum be made within 4 months. This has been apparently done to protect the interests of the State to a limited extent since the writ petition was filed in the year 2017 just before the employee was to retire in October, 2017 which would be clear from the legal notice dated 20.11.2016 (Annexure P-8). Another right which was left to the State was to proceed in accordance with law.

6. We have also perused the paperbook which would go on to show that representation had been given wayback on 11.10.2013 regarding the reduction of the pay but apparently not acted upon by the employer. In such circumstances, the Learned Single Judge had restricted the relief only for 38 months prior to the filing of the writ petition in 2017, protecting the interests of the State to that extent and therefore, the argument now raised that the writ petition was belated is without any basis. The Learned Single Judge thus acted within the parameters to this extent of protecting the interests of the State also and setting aside the order on account of violation of principles of natural justice which adversely affected the employee with serious civil consequences. Accordingly, we are of the considered opinion that no fault could be found in the order of the Learned Single Judge to that extent.

7. Resultantly, in view of the above discussion, finding no merit in the present appeal, the same is hereby dismissed in limine.

(G.S. SANDHAWALIA)

ACTING CHIEF JUSTICE

February 29th, 2024

Sailesh

(LAPITA BANERJI)

JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No