

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

(231)

CWP-9185-2019

Date of Decision : January 15, 2024

Moti Lal and others**.. Petitioners****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Subhash Ahuja, Advocate, with
Mr. Karanveer Ahuja, Advocate, for the petitioners.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioners is that the impugned order dated 12.02.2019 (Annexure P-19) has been passed without giving any opportunity of hearing, which is must as the petitioners had already been given the benefit, which is sought to be withdrawn in April, 2013.

2. Learned counsel for the petitioners submits that the petitioners were given the benefit much before the ordinance which was issued by the respondents by which the technical pay scale was withdrawn and therefore, the impugned order dated 12.02.2019 (Annexure P-19) is liable to be set aside.

3. It may be noticed that while issuing notice of motion, the operation of the impugned order had been stayed and the petitioners are

continuing to get the benefit as extended to them vide order dated 03.04.2013 (Annexure P-18) qua the technical pay scale.

4. Faced with the situation that in the reply, nothing has been mentioned that the petitioners were given the opportunity to defend before withdrawal of the benefit, learned counsel for the respondents submits that the impugned order dated 12.02.2019 (Annexure P-19) be treated as withdrawn with liberty to pass a fresh order in accordance with law by giving due opportunity of hearing to the petitioners.

5. Learned counsel for the petitioners submits that as the impugned order has been withdrawn with liberty to pass a fresh order after complying with the rules of natural justice, the present writ petition has been rendered infructuous and the same may kindly be disposed of as such.

6. Ordered accordingly.

January 15, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No