

CWP-6545-2018

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-6545-2018
Date of Decision: 23.04.2024

Dharam Pal

..... Petitioner

Versus

Haryana Vidyut Prasaran Nigam Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Umesh Narang Advocate,
for the petitioner.

Mr. Anil Chawla, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 03.11.2017 (Annexure P-6) whereby the date of promotion of the petitioner has been changed without any show-cause notice and Annexure P-7 dated 06.09.2011 whereby the pay and pension of the petitioner was reduced and re-fixed without any basis, show-cause notice or opportunity of personal hearing.
2. Learned counsel for the petitioner submitted that the petitioner retired in the year 2008 and thereafter, his pension has been reduced and re-fixed without affording any opportunity of hearing to him and impugned order dated 06.09.2011 (Annexure P-7) has been passed.
3. The aforesaid factual position that the petitioner has not been

granted any opporutnity of hearing, is not disputed by the learned counsel for the respondents.

4. In view of the aforesaid facts and circumstances, the present petition is disposed of. The impugned order dated 06.09.2011 (Annexure P-7) is set aside on the ground that before reduction of the pension of the petitioner, no opportunity of hearing was given. However, the respondents are directed to pass a fresh order after giving an opportunity of hearing to the petitioner and also by passing a well reasoned speaking order within a period of three months from today.

5. However, it will not create any equity in favour of the petitioner for seeking the benefit from the date of his retirement only because of the reason that the order has been set aside.

23.04.2024 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |