



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

207

CWP-9832-2017

Date of decision : 08.11.2024

Ghansham Luthra

....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Surya Kumar, A.A.G., Punjab.

None for respondents No.2 to 4.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, quashing the order dated 16.08.2016 (Annexure P-9) passed by respondent No.2, whereby the order dated 05.11.2015 (Annexure P-3) passed by respondent No.4 fixing the pay of the petitioner at par with his junior has been cancelled.

2. Learned counsel for the petitioner submits that apart from the other grounds which have been taken in the writ petition for impugning the order dated 16.08.2016 (Annexure P-9), one of the ground is that before passing the said order neither any show cause notice was issued to the petitioner nor an opportunity of personal hearing was granted. He further submits that even otherwise, the impugned order is cryptic and non-speaking as no reasons have been



CWP-9832-2017

-2-

assigned. He further submits that pay of the petitioner was rightly fixed at par with his junior vide order dated 05.11.2015 (Annexure P-3) and the said order has wrongly been cancelled vide impugned order dated 16.08.2016.

3. There was no representation on behalf of respondents No.2 to 4 on the last date of hearing. Even today also the position is the same.

4. Since the order dated 16.08.2016 (Annexure P-9) is cryptic and non-speaking and has been passed in violation of the principles of natural justice, the same is set aside with liberty to the respondents to take appropriate measures in compliance with the principle of natural justice.

5. Disposed of in the above terms.

08.11.2024

kothiyal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No