



116

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

CWP-24543-2024**Date of Decision: 24.09.2024****DILBAG SINGH**

..... Petitioner

*Versus***STATE OF PUNJAB AND ORS**

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. F.S. Dhillon, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 04.07.2024 (Annexure P-12) passed by respondent No.3 whereby salary of the petitioner has been reduced without granting him opportunity of hearing.

2. Learned counsel for the petitioner submits that petitioner pursuant to an advertisement of 2016 applied for the post of Constable (Driver), however, on account of litigation, he could not join and he was made to join in 2021. He was not paid pay scale as paid to his batch-mates. In 2023 on the direction of this Court, the respondent revised his pay scale and released arrears, however, by impugned order, the respondent No.3 has recalled its earlier order and fixed salary of petitioner as per 7th Pay Commission Report whereas 7th Pay Commission is not applicable to him. He is entitled to salary as per 5th Punjab Pay



Commission and he is further entitled to salary equal to his batch-mates.

3. Notice of motion.
4. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court, accepts notice on behalf of the respondent-State and waives service.
5. With the consent of both sides, the matter is taken up for final disposal.
6. Learned State counsel fairly concedes that impugned order has been passed without issuing show cause notice as well as granting opportunity of hearing to the petitioner.
7. In the wake of statement of learned State counsel, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The impugned order dated 04.07.2024 (Annexure P-12) is hereby set aside with liberty to the respondent to pass a fresh order, if warranted and permissible by law, but after issuing show cause notice and granting opportunity of personal hearing to the petitioner.

(JAGMOHAN BANSAL)
JUDGE

24.09.2024
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>