

CWP-28155 of 2024

2024:PHHC:139633



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

CWP-28155 of 2024 (O&M)

Date of decision: 24.10.2024

Krishan Lal Batra

.....Petitioner

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Anish Batra, Advocate,
for the petitioner.

Mr. Gurnoor Singh Sethi, Advocate,
for the respondents.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking quashing of order dated 17.09.2024 (Annexure P-8) whereby pension under para 5.1(a) of Finance Circular No.19/2021 has been stopped till the matter is clarified by the Punjab Government and pension as per para 5.1(b) shall be paid. Consequence of the same is that the pension of the petitioner has been reduced.

2. On the last date of hearing i.e. 19.10.2024, following order was passed: -

“Learned counsel for the petitioner inter alia contends that the basic pension of the petitioner has been reduced in violation of the principles of natural justice as neither any show cause notice has been issued nor an opportunity of personal hearing has been granted.

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On receipt of advance copy of writ petition, Mr. Gurnoor Singh Sethi, Advocate, has put in appearance on behalf of the respondents and seeks time to get instructions on this issue.

Adjourned to 24.10.2024.”

3. In pursuance to the said order, respondents have placed on record memo dated 21.10.2024 addressed to learned counsel for the respondents, which clearly proves that while passing the said order, principles of natural justice have not been followed as neither any show-cause notice has been issued to the petitioner nor opportunity of personal hearing has been granted.

4. In this view of the matter, order dated 17.09.2024 (Annexure P-8) is set aside. However, liberty is granted to the respondents to take further necessary action, if any required, after complying with the principles of natural justice and on receipt of clarification from the State Government. The pension which the petitioner was getting before passing the impugned order shall be restored to the petitioner.

5. Disposed of accordingly.

24.10.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No