



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

480

CWP-18797-2002 (O&M)

Date of decision: 21.02.2025

Mukesh Gupta and Others

....Petitioners

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioners

Mr. Amarpreet Singh Bains, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing the letter dated 30.05.2001 and subsequent clarification dated 06.11.2011, it being in violation of principles of natural justice and for continuing to pay to the petitioner, 6 advance increments under the policy decision of the Government dated 27.10.1993 and to not affect any recovery.

2. At the time of their appointment as Medical Officers, as evidenced by Annexure P-1, the petitioners were granted advance increments in accordance with the government instructions dated 27.10.1993, appended as Annexure P-2 whereby special incentives were extended to doctors who held postgraduate qualifications at the time of entry or obtained the same during service. These were integrated into their salary structure and continued uninterrupted until the State of Punjab, through its letter dated 23.05.2001, ordered their withdrawal with retrospective effect and sought recovery of the amounts already disbursed, which



was however, stayed vide order dated 26.11.2002 by the Division Bench while admitting the matter.

3. In the index of the petition, reliance had been placed on the pendency of CWP-15661-2000 titled as **D.S. Bhullar and Others vs. Principal Secretary Punjab Government and Others**, which along with three more writ petitions, were disposed of by the Division Bench on 04.07.2002, quashing the orders of reduction of pay, which reads thus:

“The petitioners in these four cases are working as Medical Officers. They complain that the respondent-authorities have arbitrarily ordered the withdrawal of increments which had been granted on the basis of higher qualifications of other similar reasons. By way of instance, reference has been made to order dated October 3, 2000, produced as Annexure P/3 in Civil Writ Petition No. 15661 of 2000. reduced. The pay of Dr. Parveen Mittal has been reduced. The petitioners complain that no opportunity whatsoever was given before the orders for reduction of pay were passed.

Written been statement has filed respondent No. 5 in Civil Writ Petition No. 15661 of 2000. In this reply, explanation with regard to petitioner No. 15 has been given. The position regarding the remaining petitioners has not explained.

Mr. D.V. Sharma, Additional Advocate General, Punjab States that the orders for revision of pay, if issued in respect of any of the petitioners in these four cases, may be deemed to have been withdrawn. The pay of the petitioners, if reduced, shall be restored to its original position. In case any recovery has been made, the amount shall be re-imbursed. The department shall consider and decide the matter afresh after hearing the persons concerned. The matter shall be decided by the appropriate authority after giving a due and reasonable opportunity to the officers.

In view of the above, the orders of reduction of pay, if any, are quashed. The respondents shall decide the matter in accordance with law and after observing principles of natural justice. The amount, if any, recovered from the petitioners, shall be reimbursed.

The writ petitions are accordingly disposed of.
No costs.”



4. Learned State counsel being unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law, in view of which, the present petition is disposed of in terms thereof.

(AMAN CHAUDHARY)
JUDGE

21.02.2025
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No