



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

311

Decided on : 13.11.2025

1. CWP-14605-2021

AHAMMED ANWAR SIDATH AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

2. CWP-9553-2022

MANOJ KUMAR GURJAR AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

3. CWP-16706 -2021

SATYAVEER SINGH DAGUR AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

4. CWP-21787 -2022

SUSHIL MATORIA AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

5. CWP-11440-2022

SUBHASH CHAND YADAV AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

6.. CWP-12452-2022



NARENDRA KUMAR YADAV	. .Petitioners
Versus	
UNION OF INDIA AND ORS	. . . Respondents
7. CWP-13180-2022	
PAVITRA AND ANR	. .Petitioners
Versus	
UNION OF INDIA AND ORS	. . . Respondents
8. CWP-13201-2022	
JAISON K JOY AND ANR	. .Petitioners
Versus	
UNION OF INDIA AND ORS	. . . Respondents
9. CWP-13518-2022	
VEENA F CHAND AND ANR	. .Petitioners
Versus	
UNION OF INDIA AND ORS	. . . Respondents
10. CWP-9553-2022	
MANOJ KUMAR GURJAR AND ORS	. .Petitioners
Versus	
UNION OF INDIA AND ORS	. . . Respondents
11. CWP-14479-2022	
ASHA RANI AND ORS	. .Petitioners
Versus	
UNION OF INDIA AND ORS	. . . Respondents



12. CWP-15186-2022

JAI PRAKASH SHARMA AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

13. CWP-15331-2022

VISHNU KUMAR JANGID AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

14. CWP-15409-2022

LAKHWINDER KAUR AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

15. CWP-15616-2022

NARINDER KAUR AND OTHERS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

16. CWP-15655-2022

ISHA SHARMA AND OTHERS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

17. CWP-15973-2022

SUNIL KUMAR AND OTHERS . .Petitioners

Versus



UNION OF INDIA AND ORS . . . Respondents

18. CWP-15977-2022

RISHI KUMAR AND OTHERS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

19. CWP-16149-2022

VARUN SEN AND ORS. . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

20. CWP-16887-2022

NARSHI RAM AND OTHERS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

21. CWP-18528-2022

GEETA DEVI AND OTHERS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

22. CWP-18736-2022

SANDEEP GILL AND OTHERS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents



23. CWP-18764-2022

KIRAN BALA AND OTHERS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

24. CWP-18810-2022

MANPREET KAUR AND OTHERS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

25. CWP-19311-2022

HARDEEP KAUR AND ORS. . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

26. CWP-19497 -2022

SONIA AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

27. CWP-21777-2022

KANCHAN KUMARI AND ORS. . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

28. CWP-22776-2022

ANOOP P.V. AND OTHERS . .Petitioners

Versus



UNION OF INDIA AND ORS . . . Respondents

29. CWP-23137 -2022

DEEPAK KUMAR AND OTHERS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

30. CWP-24137 -2022

MONIKA SEHGAL AND ANOTHER . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

31. CWP-2513 -2022

PREM SHANKAR MALAV AND OTHERS . .Petitioners

Versus

DIRECTOR, POST GRADUATE INSTITUTE OF MEDICAL
EDUCATION AND RESEARCH AND OTHERS . . . Respondents

32. CWP-2742 -2022

KARAMJIT KAUR GREWAL AND ORS . .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

33. CWP-29701 -2022

NEETU . .Petitioner

Versus

UNION OF INDIA AND ORS . . . Respondents



34. CWP-3605 -2022

SEEMA . . .Petitioner

Versus

UNION OF INDIA AND ORS . . . Respondents

35. CWP-5174 -2022

SULINDER KAUR AND ORS .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

36. CWP-6548-2022

VINOD KUMAR AND ORS .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

37. CWP-7787-2022

ANJNA SHARMA AND OTHERS .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

38. CWP-7881-2022

KULWANT KAUR BADGAL AND ORS .Petitioners

Versus

UNION OF INDIA AND ORS . . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**



PRESENT: Mr. Barjesh Mittal, Advocate with
Ms. Sukhmanjot Kaur, Advocate for the petitioners in
CWP-14605-2021 and
CW-16706 of 2021

Mr. Ranjivan Singh, Advocate,
Mr. Risham Raag Singh, Advocate
for the petitioner in CWP-5174-2022.

Mr. Ashok Kumar Sharma, Advocate
for the petitioners in CWP-2742 of 2022, CWP-15616 of 2022.

Mr. Shashi Kumar Yadav, Advocate for petitioners
in CWP-11440 of 2022, CWP-19311 of 2022, CWP-24137 of
2022, CWP-22776 of 2022, CWP-18578-2022, CWP-13201-
2022, CWP-13180 of 2022, CWP-7881-2022.

Mr. Amandeep Saini, Advocate for the petitioners
in CWP-15973, 15977, 16149, 15186, 9553, 6548 of 2022.

Mr. Sarvesh Kumar Gupta, Advocate for
Mr. S. S. Rana, Advocate for the petitioners
in CWP-29701-2022.

Mr. Rajiv Sharma (Hissar Wale) Senior Panel Counsel
for UOI/PGI with
Mr. Vinayak, Advocate for respondents No. 1 & 2.

Mr. Diwan S. Adlakha, Advocate for the petitioners
in CWP-19497-2022.

Mr. Deepak Jindal, Advocate for the petitioners
in CWP-2513-2022.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present bunch of petitions, the details of which are
mentioned in the heading, involve common point of law and
common set of facts, hence, they are being dealt together. For the



sake of convenience, the facts are being taken from CWP-14605-2021.

2. Replies filed by the respondents are taken on record.

3. In the present bunch of petitions, the challenge is to the impugned order dated 09.04.2021 (Annexure P-5) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (herein after referred to as 'The Tribunal') in the Original Application bearing No. 060/478/2020 filed by the petitioners against the order dated 16.07.2020 (Annexure A-1) and for direction to the respondents to treat office order dated 25.05.2019 as final regarding grant of fixation of initial pay of nursing personnel in the revised pay structure as Rs. 14,460/- w.e.f. 01.01.2006 as well as the order dated 28.06.2021 (Annexure P-6) passed by the PGIMER is under challenge, by which orders, the benefit extended to the petitioners vide letter dated 25.05.2019 (Annexure A-10 with aforesaid OA) has been sought to be kept in abeyance and their status has been reversed to the position that existed prior to the passing of the order dated 16.07.2020 (Annexure A-1) thereby withdrawing the benefit extended to the petitioners vide letter dated 25.05.2019 (Annexure A-10) with regard to a particular pay-scale in view of the recommendation of the 6th pay commission.

4. The Tribunal rejected the claim of the petitioners on the



ground that the Ministry of Finance has already clarified the position for the implementation of the 6th Central Pay Commission in view of the Central Civil Services (Revised Pay) Rules, 2008, which are to be implemented w.e.f.01.01.2006 and therefore, the withdrawal of the benefit by the impugned order dated 16.07.2020 (Annexure A-1) has been upheld.

5. Learned counsel appearing on behalf of the petitioners argues that any benefits which has been given to employees and the grant of the said benefit has already been implemented, the same cannot be withdrawn without affording any opportunity of hearing to them so that they can project their views qua the proposed withdrawal of the said benefits, in case the same is to be withdrawn by the employer-department.

6. Learned counsel for the petitioners further submits that even if the extended benefit in pursuance to the order dated 25.05.2019 are to be withdrawn on any basis, including on account of any clarification received subsequently, the same ought to have been placed before the employees concerned for their comments and it is only thereafter, any action can be taken subject to the reply so filed to the proposed action of the employer.

7. Learned counsel for the petitioners further submits that in the present case, firstly, the relief was granted to the employees



vide letter dated 25.05.2019 (Annexure A-10) but after a period of one year, the same was ordered to be kept in abeyance and the benefits so granted to the employees concerned was sought to be withdrawn so as to recover the amount already paid to the petitioners-employees and the Tribunal dismissed the petition on the ground that the same was done on the clarification received from the Ministry, which clarification was never communicated to the petitioners for their objections/information and therefore, the orders passed by the Tribunal are causing prejudice to the petitioners being violative of the principle of natural justice and therefore, keeping in view the settled principle of law on the said issue, the order placing in abeyance the letter dated 25.05.2019 (Annexure A-10) may kindly be set-aside.

8. Learned counsel for the respondents -UOI and PGI submits that though, the benefit was given with regard to re-fixation of pay in the Nursing Cadre on 25.05.2019 (Annexure A-10) which action was taken keeping in view the recommendation of the 6th Central Pay Commission which was to be implemented from 01.01.2006, but subsequently, the same was reviewed in light of the clarification later received from the competent authorities. It is submitted that upon such clarification, it was found that the benefits which were extended to the petitioners on 25.05.2019 (Annexure A-10) were not correct, hence, the



impugned order passed withdrawing the said benefits and directing recovery of the excess amount paid was justified, as the benefits had been granted erroneously.

9. Learned counsel for the respondents further submits that once, the clarification from the Union of India has been received and it was found that the petitioners were not entitled for the said relief, the benefit was rightly withdrawn from them, which action has rightly been upheld by the Tribunal while passing the order dated 09.04.2021 (Annexure P-5), hence, the present petitions may kindly be dismissed.

10. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

11. The first question which arises before this Court for determination keeping in view the facts and circumstances of the present case is whether, any benefit already extended to an employee can be withdrawn without affording him/her an opportunity of hearing?

12. The law in this regard is well settled by the Hon'ble Supreme Court of India in Civil Appeal No. 2265 of 2011 titled as **Chamoli District Co-operative Bank Ltd through its Secretary/Mahaprandhak and another vs. Raghunath Singh Rana and others, 2016(12) SCC 204**, decided on 17.05.2016.



*The relevant paragraph of the **Chamoli's case (supra)** is as under:-*

*“19. The compliance of natural justice in domestic/disciplinary inquiry is necessary has long been established. This Court has held that even there are no specific statutory rule requiring observance of natural justice, the compliance of natural justice is necessary. Certain ingredients have been held to be constituting integral part of holding of an inquiry. The Apex Court in *Sur Enamel and Stamping Works Pvt. Ltd. v. Their Workmen* reported in (1964) 3 SCR 616 has laid down following:-*

“... An enquiry cannot be said to have been properly held unless, (i) the employee proceeded against has been informed clearly of the charges levelled against him, (ii) the witnesses are examined – ordinarily in the presence of the employee – in respect of the charges, (iii) the employee is given a fair opportunity to cross-examine witnesses, (iv) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and (v) the inquiry officer records his findings with reasons for the same in



his report.”

13. Further , as per the settled principle of law as settled by the Hon’ble Supreme Court of India while passing the judgment in Civil Appeal No. 9417 of 2019 titled as *M/s Daffodills Pharmaceuticals Ltd. and another vs. State of U.P. and another 2019 (12) JT 283*, decided on 13.12.2019 wherein it has been held that where any order passed by the authority concerned causes prejudice to an employee, particularly involving financial liability, the employee must be afforded an opportunity of hearing and no order causing prejudice to an employee can be passed by an employer unilaterally. The relevant para of *Daffodills Pharmaceuticals's case (supra)* is as under:-

“15. In the present case, even if one assumes that Surender Chaudhary, the accused in the pending criminal case was involved and had sought to indulge in objectionable activities, that ipso facto could not have resulted in unilateral action of the kind which the State resorted to- against Daffodils, which was never granted any opportunity of hearing or a chance to represent against the impugned order. If there is one constant lodestar that lights the judicial horizon in this country, it is this: that no one can be inflicted with an adverse



order, without being afforded a minimum opportunity of hearing, and prior intimation of such a move. This principle is too well entrenched in the legal ethos of this country to be ignored, as the state did, in this case.

16. The High Court, in the opinion of this court, fell into error in holding that in matters of award of public contracts, the scope of inquiry in judicial review is limited. Granted, such jurisdiction is extremely circumscribed; no doubt the court had refused to grant relief to Daffodils against its plea of wrongful rejection of its tender. However, what the impugned judgment clearly overlooks is that the action of the state, not to procure indefinitely, on an assumption of complicity by Daffodils, was in flagrant violation of principles of natural justice.”

14 Keeping in view of the above settled principle of law, no order causing prejudice to the employee can be passed without giving an opportunity of hearing to him/her. In the present case, concededly, no show-cause-notice was ever served upon the



employees not only qua the withdraw of the benefits extended to them with regard to re-fixation of pay in the nursing cadre but also qua the recovery of the alleged excess amount paid. That being so, the rules of natural justice have been violated and the said action of unilateral withdrawal of the benefits extended to the petitioners, is contrary to the settled principle of law as noticed herein before.

15. Keeping in view the above, order withdrawing the benefits dated 16.07.2020 (Annexure A-1) as well as similar orders passed later in another bunch of petitions *are hereby set-aside.*

However, the respondent-PGI shall be at liberty to initiate an appropriate process in case it is of the view that the benefit extended to the members of the Nursing cadre vide letter dated 25.05.2019 (Annexure A-10) was incorrect, by adopting the due process of first serving a show-cause-notice based upon the recommendation/clarification issued by the Government of India and thereafter passing an order after considering the objections, if any, submitted by the employees concerned.

16. It is made clear that on the aspect whether the said benefit is to be withdrawn or not, no expression is being made by this Court. The decision in this regard shall be taken by the employer keeping in mind the clarification given by the Government/ Union of India coupled with the objections raised by



the employees concerned .

17. As the revised salary is being paid to the petitioners, the same shall be allowed as of now, subject however, to issuance of a fresh show cause notice to the petitioners. In case, upon the culmination of the said process, it is found that the petitioners are entitled to the salary as per the letter dated 25.05.2019 (Annexures A-10), even the arrears payable to the petitioners shall be released to them forthwith. Conversely, in case the petitioners are found not entitled for the same, the petitioners shall be at liberty to avail appropriate remedy, available to them, in accordance with law.

18. The present bunch of petitions are disposed of in above terms.

19. Pending application(s) if any, shall also disposed of.

20. A photocopy of this order be placed on the other connected petitions.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

13.11.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No