



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

Serial No. 111

**CWP-16205-2025
Decided on:11.09.2025**

Iqbal Singh

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Hardeep Singh Dhillon, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing (i) the Revised (Pension Payment Order) dated 05.08.2024, Annexure P-1, being in violation of the Principles of Natural Justice; (ii) the order dated 11.07.2024, Annexure P-2, whereby the ACP benefits admissible to the petitioner have been wrongly re-calculated and recovery has been ordered to be effected from his pension, and (iii) the order dated 03.02.2025, Annexure P-4, whereby excess salary amount has been ordered to be deposited.

2. Learned State counsel contended that while granting benefits of third ACP scale, the petitioner's pay was wrongly fixed at pay level ACPL-13, Cell-11. The mistake was corrected leading to grant of revised ACP scale vide office order dated 11.07.2024. However, she could not dispute that the order



was not communicated to the petitioner, nor was any show cause notice issued. And based upon this order, his pensionary benefits have also been revised. She has referred to an undertaking given by the petitioner on the printed proforma of Last Pay Certificate (L.P.C.) dated 18.07.2024, Annexure R-2, attached to the Revised Pension/D.C.R.G./ Family Pension calculation sheet. A reference has also been made to another undertaking given by the petitioner at the time of grant of third ACP dated 09.02.2023, Annexure R-3, which is to the effect that in case any excess payment is found to have been made as a result of incorrect fixation of pay or any excess payment is detected in the light of discrepancies noticed subsequently, the same would be refunded against future payments. Accordingly, it was not required to afford any opportunity of hearing before withdrawing third ACP benefit on account of stated reasons.

3. Apparently, the respondents have passed the impugned orders revising the grant of third ACP to the petitioner, without even issuing any show cause notice to him. The undertaking being referred to, dated 18.07.2024, cannot be a ground to pass the order as, admittedly, the ACP benefits stood withdrawn prior thereto on 11.07.2024 itself. The earlier undertaking dated 09.02.2023, is also no ground to deny hearing to the petitioner as it was a printed proforma that the petitioner was made to sign before releasing the third ACP benefit. He had been drawing the benefit for over a year, and in case any discrepancy came to the Department's notice at such a late stage, it was necessary to bring it to the petitioner's notice. And a show cause was required to be issued before taking any action. Therefore, Principles of Natural Justice have not been complied with.



4. Accordingly, the orders dated 05.08.2024, 11.07.2024 and 03.02.2025, Annexures P-1, P-2 and P-4 respectively, are set aside giving liberty to the respondents to pass fresh order(s) after affording due opportunity of hearing to the petitioner by issuing a show cause notice and taking his response thereto into consideration.

5. Disposed of.

11.09.2025
Mehak

(TRIBHUVAN DAHIYA)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No