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

**CWP-23633-2025 (O&M)
Date of decision: 18.08.2025**

Azad Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravinder Malik, Advocate and
Mr. Sahil Rathour, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 02.01.2024 (Annexure P-7) passed by respondent No.2 and further to direct the respondents to grant all the benefits of pay, seniority etc. to the petitioner w.e.f. 09.03.2004 in the pay scale of Rs.4000-6000 (revised to Rs.5200-20200 + Grade Pay Rs.2400/-) with all consequential benefits along with interest @ 24% per annum and also to direct the respondents to grant 1st Assured Career Progression (ACP) w.e.f. July, 2017 on completion of 08 years of service in pursuance of the letter



dated 09.06.2025 (Annexure P-5) along with interest @ 24% per annum from due date till the date of actual payment.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner joined the services of respondent-Hafed on deputation as Store Keeper w.e.f. 09.03.2004 and he continued in service till 12.07.2009. Thereafter, he was absorbed in the respondent-Hafed vide order dated 09.07.2009 (Annexure P-2). Further, the petitioner was granted the pay scale of Rs.4000-6000 (revised to Rs.5200-20200 + Grade Pay Rs.2400/-) as Store Keeper for the period starting from 09.03.2004 till 12.07.2009, vide order dated 11.01.2022 (Annexure P-6). However, the said order was illegally withdrawn by respondent No.2 by passing a non-speaking and cryptic order dated 02.01.2024 (Annexure P-7), without issuing any notice to the petitioner or granting any opportunity of hearing to him. Learned counsel for the petitioner refers to the impugned order (Annexure P-7) and submits that a cryptic order was passed as per provisions of Rule 10.6 of Punjab Civil Services Rules, which provides for engagement of an employee for foreign service. The said Rule 10.6 (*supra*) is not applicable to the case of the petitioner. Further, the benefit, which was granted to the petitioner, has already been extended to similarly situated persons, who worked with him on deputation. Furthermore, the petitioner is entitled for the benefit of 1st ACP on completion of 08 years of service and in this regard, he has already submitted a representation on 16.06.2025 (Annexure P-5), which is pending till date.



3. Notice of motion.

4. Mr. Piyush Khanna, Addl. AG, Haryana, who is present in the Court, accepts notice on behalf of respondent No.1-State and Mr. Vikrant Pamboo, Advocate accepts notice on behalf of respondents No.2 to 4. They could not controvert the factual position.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. Perusal of the impugned order dated 02.01.2024 (Annexure P-7) clearly indicates that it has been passed in a mechanical manner and cryptic fashion, in view of Rule 10.6 (*supra*), which is admittedly not applicable to the case of the petitioner. Further, the impugned order (Annexure P-7) withdrawing the order dated 11.01.2022 (Annexure P-6) is passed without adhering to the principles of natural justice, as neither any notice had been issued to the petitioner nor any opportunity of personal hearing was afforded to him before passing the same.

7. Keeping in view the facts and circumstances of the case, present petition is disposed of and the impugned order dated 02.01.2024 (Annexure P-7), withdrawing the order dated 11.01.2022 (Annexure P-6), is hereby set aside.

8. Further, respondent No.2 is directed to treat the present petition as representation on behalf of the petitioner and decide the same, including the case with regard to his entitlement for grant of 1st ACP on completion of



08 years of service, by passing a speaking order, after affording an opportunity of hearing to him, within a period of three months from the date of receipt of certified copy of this order.

9. Further, the decision taken with regard to claim made by the petitioner in the present petition shall be conveyed to him.

10. Needless to say, if the petitioner is found entitled to the relief sought, the same be granted to him forthwith by respondent No.2.

18.08.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No