

**(2011) 01 SHI CK 0032**  
**In the High Court Of Himachal Pradesh**  
**Case No : C.W.P. (T) No. 9580 of 2008**

|                               |    |            |
|-------------------------------|----|------------|
| Bal Mukund Sharma and Another | Vs | APPELLANT  |
| State of H.P. and Others      |    | RESPONDENT |

---

**Date of Decision :** 07-01-2011

**Acts Referred:**

**Citation :** (2011) 01 SHI CK 0032

**Hon'ble Judges :** Rajiv Sharma, J

**Bench :** Single Bench

**Final Decision :** Allowed

---

## Judgement

Rajiv Sharma, J.—Petitioners were promoted to the post of Head Teacher on 10.7.1998, on the basis of the recommendations of the Departmental Promotion Committee. They were granted the benefit of pay fixation on promotion. However, vide letter dated 28.12.2002, the same has been withdrawn. Consequently, the pay of the Petitioners was reduced. They were not heard before the issuance of letter dated 28.12.2002. It was necessary for the Respondents to hear the Petitioners before the decision was taken to reduce their salaries on the basis of letter dated 28.12.2002 and also to effect recoveries from them with effect from 1.1.1996. They have neither misled nor misrepresented nor played any fraud at the time when higher salary was paid to them on promotion as Head Teacher on 10.7.1998 with effect from 1.1.1996. This question is no more res intergra in view of the law laid down by their Lordships of the Hon'ble Supreme Court in Syed Abdul Qadir and Others Vs. State of Bihar and Others,

2. Accordingly, the petition is allowed. Annexures A-4 dated 28.12.2002 is quashed and set aside. Recoveries, if any, made from the Petitioners, on the basis of Annexure A-4, be refunded to them, within a period of two months, from the date of production of certified copy of this judgment by the Petitioners. No costs.