
(2012) 03 SHI CK 0386
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 12630 of 2008

Prem Singh, Krishan Lal and Mehar Chand	APPELLANT
Vs	
State of H.P.	RESPONDENT

Date of Decision : 01-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0386

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Justice Rajiv Sharma, Judge

1. Petitioners were granted proficiency step-up in the year 1998 and their pays were fixed. However, subsequently, vide office order dated 29.7.2005 (Annexure A-1) the proficiency step-up granted to the petitioners was withdrawn and their pay has been directed to be re-fixed. Mr. Bhuvnesh Sharma, learned counsel for the petitioners has argued that no opportunity of being heard was afforded to the petitioners before issuance of office order dated 29.7.2005. He has further argued that the petitioners have neither misled the authorities nor misrepresented the facts at the time of granting them the proficiency step-up.
2. Mr. Rajinder Dogra, learned Additional Advocate General has supported the issuance of office order dated 29.7.2005. According to him, since the petitioners were not entitled to the proficiency step-up as per instructions issued from time-to-time, there is no illegality in office order dated 29.7.2005 (Annexure A-1).
3. I have heard learned counsel for the parties and gone through the pleadings carefully.
4. The petitioners have been granted proficiency step-up by the respondent-State in the year 1998. There is nothing on record to suggest that the petitioners have either misled the authorities or misrepresented the facts at the time of

granting them the proficiency step-up. However, the fact of the matter is that before issuance of office order dated 29.7.2005 no notice was issued to the petitioners. They have suffered civil and evil consequences. This question is no more res-integra in view of law laid down by their Lordships of the Hon''ble Supreme Court in Syed Abdul Qadir and Others Vs. State of Bihar and Others, . Accordingly, in view of the observations and discussions made hereinabove and the definitive law laid down by their Lordships of the Hon''ble Supreme Court coupled with the fact that there is violation of principles of natural justice, the petition is allowed. Office order dated 29.7.2005 (Annexure A-1) is quashed and set aside. However, liberty is reserved to the respondents to proceed with the matter in accordance with law. It is made clear that no recoveries shall be effected from the petitioners while taking fresh decision. The pending application (s), if any, also stands disposed of. No costs.