
(2011) 02 SHI CK 0061
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 14013 of 2008

Sohan Lal

APPELLANT

Vs

State of Himachal Pradesh and Another

RESPONDENT

Date of Decision : 24-02-2011

Acts Referred:

Citation : (2011) 02 SHI CK 0061

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—The Petitioner was granted step-up in pay with effect from 2.4.1996 vide office order dated 5th September, 1997 and Petitioner's pay was fixed at Rs. 2270/- with effect from 2.4.1996 vide letter dated 15th September, 1997. The Petitioner was served with a notice by the Respondents, dated 28th June, 2006 stating that based on letter dated 6th February, 2006, issued by the Finance Department read with letter dated 21st September, 1999 why the step-up allowed to him be not taken back. The Petitioner filed reply to the show cause notice. The case of the Petitioner in the reply was that the step-up was rightly granted to him as Shri Inder Ram has joined as Assistant Consolidation Officer w.e.f. 26.5.1996 and the Petitioner has joined as such w.e.f. 26.5.1994. However, vide impugned order dated 10th August, 2006 (Annexure P-4), the step-up granted to the Petitioner with effect from 2nd April, 1996 has been withdrawn. The Petitioner has filed detailed reply to the show cause notice. However, the same has not been taken into consideration in right perspective while issuing Annexure P-4, dated 10th August, 2006. Once the Petitioner has been permitted to file reply to the show cause notice and he has filed reply to the same, the contents of the reply filed by him were required to be taken into consideration. The impugned office order dated 10th August, 2006 is without application of mind and is also in violation of the principles of natural justice.

2. Accordingly, in view of the observations made hereinabove, the petition is

allowed. Annexure P-4, dated 10th August, 2006 is quashed and set aside. In normal circumstances, the Respondents ought to have been given opportunity to proceed with the matter in accordance with law, however, since the Petitioner has already retired and has not mis-led or misrepresented the authorities at the time of grant of step-up, the matter is directed to be closed. (See Syed Abdul Qadir and Others Vs. State of Bihar and Others, The pending application(s), if any, also stands disposed of. No costs.