



2026:CGHC:13083



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2270 of 2026

1. Dinesh Pratap Singh S/o Late Shri R.D. Singh Aged About 64 Years R/o Patliputra Colony, Rajkishore Nagar, Bilaspur, District Bilaspur Chhattisgarh

... Petitioner

versus

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Directorate Of Health Services Through Director, Directorate Of Health Services, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh
3. Chief Medical And Health Officer (CMHO) District Gaurella-Pendra-Marwahi Chhattisgarh
4. Divisional Joint Director Department Of Accounts & Pension, Bilaspur Division, Bilaspur, District Bilaspur (CG)

... Respondents

For Petitioner : Dr. Sudeep Agrawal, Advocate

For Respondents : Mr. Ajay Kumrani, Panel Lawyer.

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

18/3/2026



1. Challenge in this writ petition is to the order dated 21.4.2025, Annexure P-1, passed by respondent No.3 whereby last drawn pay of petitioner was unilaterally reduced from Rs.74,300/- to Rs.64,000/-, in effect pension of petitioner has been reduced from Rs.37,150/- to Rs.32,000/- per month.
2. Learned counsel for the petitioner submits that the petitioner, who was initially appointed as Computer/Sanganak, was promoted as Head Clerk vide order dated 24.3.2022 in the pay scale of Rs.5200-20200-2800/- and he stood retired from the same post on 29.2.2024 after attaining age of superannuation. At the time of his retirement, petitioner was getting pay of Rs.74,300/- and accordingly, his pension was fixed at Rs.37,150/- per month. However, all of a sudden, vide order impugned, last drawn pay of petitioner was unilaterally reduced to Rs.64,000/- and as a result, his pension was also reduced to Rs.32,000/- per month. He submits that any order which has effect of an employee suffering civil consequence should not be passed without putting him/her to notice and given opportunity of hearing. However, the impugned order reducing last pay of petitioner from Rs.72,000/- to Rs.64,000/- is passed without giving notice or opportunity of hearing, therefore, the same is unsustainable being in violation of the principles of natural justice. In support of his contention, he places reliance on the



decision of Hon'ble Supreme Court in case of **Bhagwan Shukla vs Union of India**, reported in **AIR 1994 SC 2480**.

3. Learned Panel Lawyer for respondent State would submit that pursuance to direction issued by this Court on the last date of hearing, he as sought instruction in the matter and as per oral instruction received by him, the petitioner was not given notice or opportunity of hearing before passing the order impugned, Annexure P-1.
4. In view of above submission made by learned Panel Lawyer for the respondent State on instruction, in the opinion of this Court, further reply is not required and the matter can be considered and decided based on oral instructions received by learned Panel Lawyer.
5. Heard learned counsel for the parties and perused the documents annexed along with writ petition.
6. In case of **Bhagwan Shukla (supra)**, Hon'ble Supreme Court has considered the similar issue of reduction in pay without notice and held as under:-

"3.....The appellant has obviously been visited with civil consequences but he had been granted no opportunity to show cause against the reduction of his basic pay. He was not even put on notice before his pay was reduced by the department and the order came to be made behind his back without following any procedure known to law. There, has, thus, been a fragrant violation of the principles of natural justice



and the appellant has been made to suffer huge financial loss without being heard. Fair play in action warrants that no such order which has the effect of an employee suffering civil consequences should be passed without putting the concerned to notice and giving him a hearing in the matter. Since, that was not done, the order (memorandum) dated 25.7.1991, which was impugned before the Tribunal could not certainly be sustained and the Central Administrative Tribunal fell in error in dismissing the petition of the appellant. The order of the Tribunal deserves to be set aside. We accordingly, accept this appeal and set aside the order of the Central Administrative Tribunal dated 17.9.1993 as well as the order (memorandum) impugned before the Tribunal dated 25.7.1991 reducing the basic pay of the appellant from Rs.190/- to Rs.181/- w.e.f. 18.12.1970."

7. A bare reading of above decision would show that any order which has the effect of the an employee suffering civil consequences should be passed after putting the concerned employee to notice and giving him/her an opportunity of hearing.
8. In the case at hand, learned Panel Lawyer, on instructions, fairly submitted that the impugned order is passed without granting opportunity to petitioner to show cause against reduction of his last pay drawn. Therefore, in the light of above decision of Hon'ble Supreme Court, I am of the considered view that when a benefit, which the petitioner all



along has been enjoying, is sought to be withdrawn, before doing so, a notice and an opportunity of hearing should have been given to petitioner, which is not done in the present case, hence the order impugned, Annexure P-1, is liable to be set aside.

9. Consequently, writ petition is allowed. Impugned order dated 21.4.2025 (Annexure P-1) is set aside being in violation of the principles of natural justice. However, respondent-authority will be at liberty to pass fresh order after affording proper opportunity of hearing as per law, if they so desire.
10. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-