

Suresh Kumar Vs. State of Himachal Pradesh & Ors.

CWP No. 4629 of 2025

01.04.2025 Present: Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General, Mr. Rajan Kahol, Mr. Vishal Panwar & Mr. B.C. Verma, Additional Advocate Generals, with Mr. Ravi Chauhan, Deputy Advocate General, for respondents No. 1 to 4-State.

CWP No. 4629 of 2025

Notice. Mr. Vishal Panwar, learned Additional Advocate General, appears and accepts service of notice on behalf of respondents No. 1 to 4-State. He prays for and is granted four weeks' time to file reply.

Separate notice to respondent No. 5 be issued, returnable within four weeks, on taking steps within one week.

CMP No. 5594 of 2025

Perusal of office order dated 04.01.2025 (**Annexure P-15**) reveals that services of the petitioner as a Technical Assistant were regularized on a temporary basis in the pay scale of Rs. 10,300-34800+3200 grade pay under the Zila Parishad Cadre.

Careful perusal of Himachal Pradesh Panchayati Raj (Appointment and Conditions of Service of Technical Assistant in Zila Parishad) Rules 2020 dated 17.08.2020 (Annexure P-9), which pertain to Technical Assistants, reveals that on completion of two years of service, petitioner was entitled to pay scale of Rs. 10,300-34,800+3200 grade pay.

Though, in terms of aforesaid rules, petitioner was being paid the aforesaid pay scale with subsequent revision from time to time, but now, by virtue of impugned order dated 04.01.2025 **(Annexure P-15)**, the pay of the petitioner has been reduced without affording opportunity of being heard to him. Since, order thereby reducing the pay of the petitioner has civil consequences, same could not be passed without affording opportunity of being heard to him. Bare perusal of impugned order itself suggests that authority concerned before passing order failed to issue show cause notice or afford opportunity of being heard to the petitioner.

In view of above, operation of impugned order dated 04.01.2025 **(Annexure P-15)** is stayed during the pendency of the present petition. Application stands disposed of.

CMP No. 5595 of 2025

The application is disposed of with direction to the applicant/petitioner to file the translated copies of documents in issue within four weeks.

April 01, 2025
(sunil)

(Sandeep Sharma),
Judge