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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-12366-2018 (O&M)
Date of Decision: 06.07.2026**

Dev Raj

...Petitioner

Versus

Punjab State Power Corporation Ltd. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. S.K.Rattan and Mr. Vishal Rattan, Advocates,
for the petitioner.

Mr. Harsh Rana, Advocate, for
Mr. H.S.Gharaun, Advocate, for the respondents.

NAMIT KUMAR, J. (Oral)

1. The petitioner has invoked the writ jurisdiction of this Court by filing the instant petition under Articles 226/227 of the Constitution of India, seeking a writ of mandamus directing the respondents not to change the date of option of the petitioner for grant of revised pay scales and other benefits/time bound scale, as the petitioner opted for option w.e.f. 04.04.2006, which is evident from page 23 of the service-book (Annexure P-2) and also order dated 24.12.2007, which is recorded at page 19 of the service-book of the petitioner in terms of the Punjab State Electricity Board (Revised Pay) Regulation, 2009 (Annexure P-1), but the respondents have re-fixed and reduced the pay by changing his date of option from '04.04.2006' to '01.04.2006' on their own and have further ordered recovery



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of a sum of Rs.32,698/-, which has been deducted from the arrears of the petitioner's pensionary benefits.

2. Learned counsel for the petitioner submits that the petitioner was initially appointed as Assistant Lineman with the respondents-Corporation on 04.04.1997 in the pay scale of Rs.950-1800/- with an initial pay of Rs.1000/-, which was subsequently revised to Rs.3260-5300/-. It is submitted that the petitioner's annual increment fell due on 1st April of every year. The respondents implemented the recommendations of 5th Pay Commission report applicable w.e.f. 01.01.2006, which were issued vide Finance Circular dated 15.10.2009, whereby the pay of the petitioner has been revised in terms of option exercised by him w.e.f. 04.04.2006, as provided in para 5 of the said circular dated 15.10.2009. He further submits that the petitioner was also granted the benefit of 9 years' & 16 years' time-bound promotional scales w.e.f. 04.04.2006 and 04.04.2013 respectively and entries in this regard were duly recorded in his service-book annexed as Annexures P-3 & P-4. Thereafter, the petitioner retired from service on 31.05.2015.

3. Learned counsel for the petitioner further submits that the petitioner's basic pay was unilaterally reduced from Rs.12490/- to Rs.11700/- vide Annexure P-5, without issuing any show cause notice or affording him an opportunity of personal hearing. Consequently, a sum of Rs.32,698/- was recovered from the arrears of his pensionary benefits. Learned counsel also argued that the action of the respondents is in violation of the principles of natural justice, as neither any specific order reducing the



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petitioner's basic pay was ever passed nor any opportunity of personal hearing was afforded to the petitioner before effecting such recovery.

4. Per contra, learned counsel representing the respondents-Corporation, while referring to the averments contained in para 4 of the preliminary objections of the written statement, submits that the petitioner's pay has rightly been fixed w.e.f. 01.01.2006, as the petitioner never exercised any option for fixation of his pay in the revised pay scale.

5. To controvert the said contention raised on behalf of the respondents-Corporation, learned counsel for the petitioner submits that the petitioner opted for fixation of his basic pay w.e.f. 04.04.2006 (Annexure P-2) and the said option was accepted by the respondents and his pay was fixed in the revised pay scale and even the benefit of time-bound promotional scale on completion of 9 years' & 16 years' of service was granted to the petitioner on 04.04.2006 and 04.04.2013 respectively vide Annexure P-3 and P-4, which are entries in the service-book of the petitioner.

6. I have heard learned counsel for the parties and have perused the record.

7. In pursuance of the revision of pay scales w.e.f. 01.01.2006, the petitioner opted for fixation and grant of revised pay scale w.e.f. 04.04.2006. The said option was accepted by the respondents, and his pay in the revised pay scale was fixed w.e.f. 04.04.2006 by re-fixing his basic pay at Rs.4775/-. Simultaneously, he was granted 9 years' time-bound promotional scale and his basic pay was re-fixed at Rs.5125/- w.e.f. 04.04.2006 (Annexure P-3).



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Subsequently, on completion of 16 years' of service, he was granted the next time-bound promotional scale w.e.f. 04.04.2013, and his basic pay was fixed at Rs.17,130/- in the pay scale of Rs.10900-34800/- with Grade Pay of Rs.4300/-. From the aforesaid, it is clear that the option exercised by the petitioner was duly accepted by the respondents and acted upon while fixing his pay in the revised pay scale and while granting the time-bound promotional scales on completion of 9 years' & 16 years' of service w.e.f. 04.04.2006 and 04.04.2013, respectively.

8. Furthermore, while reducing the petitioner's basic pay from Rs.12490/- to Rs.11700/- and effecting recovery of Rs.32,698/- from his pensionary benefits, neither the petitioner was issued any show cause notice nor an opportunity of personal hearing was ever afforded to him, which is in violation of the principles of natural justice. It is well-settled proposition of law that no recovery can be made from a retired employee, as has been held by Hon'ble the Supreme Court in 'State of Punjab & others Vs. Rafiq Masih (White Washer) & others', AIR 2015 SC 696.

9. Keeping in view the above, the present petition is allowed. The action of the respondents in reducing the petitioner's basic pay from Rs.12490/- to Rs.11700/- w.e.f. 04.04.2006 and effecting recovery of Rs.32698/- from his pensionary benefits (Annexure P-5) is held to be illegal and is hereby set aside. The respondents are hereby directed to grant all the consequential monetary benefits to the petitioner on the basic pay of Rs.12490/- and refund the recovered amount of Rs.32698/- along with interest at the rate of 7% p.a. from the date of recovery till the date of actual



payment. The aforesaid exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.

06.07.2026
Vimal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No