

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

Date of decision : April 23, 2015

1. CWP No. 23816 of 2013 (O&M)

Sukhbir Singh and others vs Haryana Power Generation Corpn Ltd  
and others

2. CWP No.24965 of 2013 (O&M)

Baldev Singh and others vs Haryana Power Generation Corpn Ltd  
and others

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. R.K Malik, Sr. Advocate with  
Ms. Rimple, Advocate  
for the petitioners in CWP No.23816 of 2013

Mr. JS Maanipur, Advocate  
for the petitioners in CWP No.24965 of 2013.

Mr. PS Poonia, Advocate  
for the respondents.

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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**Ajay Tewari, J (Oral)**

This order shall dispose of CWP Nos.23816 and 24965 of 2013, as common questions of law and facts are involved therein.

The petitioners have claimed that they should be given the pay scale which was granted to equivalent posts under the Government. It is further submitted that respondents No.1 and 2 have accepted the claim but respondent No.3 has not granted the full relief which was recommended by

respondents No.1 and 2.

Counsel for the petitioners have argued that the matter is no longer res-integra. In LPA No.383 of 2014, Uttar Haryana Bijli Vitran Nigam Ltd and another vs Pawan Kumar and others, decided on 18.02.2015, this Court has held as follows :-

“12. A learned Single Judge of this Court by a judgment dated 26.11.2010 passed in Civil Writ Petition No.5993 of 1990 **Deva Singh and others v. State of Haryana and others**, held that :-

‘24. It is held that the 3<sup>rd</sup> respondent is the sole authority to take a decision as to the revision of pay of its employees. In the guise of an instruction with respect to the policy decision, the 1<sup>st</sup> respondent cannot issue an instruction with respect to the pay scales of the employees or the revision of pay scales of the employees of 3<sup>rd</sup> respondent-Corporation. The instructions, issued by the 1<sup>st</sup> respondent in the above facts and circumstances of this case, would not bind the 3<sup>rd</sup> respondent Corporation. The 3<sup>rd</sup> respondent has virtually surrendered its powers with respect to the revision of pay scales of its employees to the State Government which has no say in the matter. As the State Government has no authority to interfere with the revision of pay scales of the employees of the 3<sup>rd</sup> respondent-Corporation, the impugned order passed by the 2<sup>nd</sup> respondent has no legal sanctity. Therefore, the impugned order passed by the 2<sup>nd</sup> respondent is liable to be quashed.’

We do not think it necessary for the purpose of this case to express an opinion regarding the correctness of the judgment. It was not contended before us that the State Government has the power under any statute or other principle of law to issue the directions to the Haryana Power General Corporation Ltd. (HGPCL). Nor was it their case that there was any separate agreement or undertaking entitling the State Government to issue such directions to it. It is also important to note that neither the Board of Directors of HGPCL-appellant No.1 nor the Committee of the Managing Directors made their decision subject to the approval of the State Government on the basis that the State Government being only the share-holder ought to have a say in the matter. The decision, therefore, was not for the purpose of obtaining the consent of the State Government as a majority share-

holder. The decision was taken purely on the basis of the said instructions.”

Counsel for the respondents is not in a position to show as to how the aforesaid decision would not be applicable to the facts of the present cases.

In the circumstances, these writ petitions are allowed and the impugned orders in both the writ petitions passed by respondent No.3 restricting the relief which was granted by respondents No.1 and 2, are quashed.

**April 23, 2015**  
**`kk'**

**( AJAY TEWARI )**  
**JUDGE**