

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

Civil Writ Petition No. 24465 of 2014(O&M)

Date of Decision: December 18 , 2015.

Sham Lata and others

..... PETITIONER (s)

Versus

The Punjab State Power Corporation Limited and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.K.Chopra, Senior Advocate with
Mr. Pawan Kumar, Advocate and
Ms. Ekta Arora, Advocate
for the petitioner.

Mr. R.L.Sharma, Advocate
for the respondents.

1. Whether reporters of local papers 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?

LISA GILL, J.

Petitioners pray for quashing of orders at Annexures P11 and P12, both dated 05.09.2014, vide which claim for stepping up of their pay equal to the pay being drawn by their junior has been rejected. They pray for relief in terms of decision dated 24.10.2008 in CWP No.13466 of 1999 and CWP No.1925 of 2004, Annexure P4 upheld by a Division Bench of this Court vide order dated 12.02.2009 in LPA No. 73 of 2009, Annexure P6. Special Leave to Appeal (Civil) No.14632 of 2009 has also been dismissed by the Hon'ble

Supreme Court on 26.07.2012, Annexure P8.

Precise case of the petitioners is that, they were initially appointed as Telephone Attendants in the erstwhile Punjab State Electricity Board. On revision of pay-scales, they were granted pay-scale of ₹325-495 w.e.f. 01.01.1978. Petitioners No.1 to 7 were promoted as Telephone Mechanics in the pay-scale of ₹400-800 on various dates in the years 1978 to 1981, duly reflected in para 3 of the writ petition. Petitioner No.8 – Jajan Kumar was promoted in July, 1987. It is specifically averred that though the word promotion has been used, petitioners were actually recruited to the post of Telephone Mechanics after participation in interview with a number of other persons. Persons seniors to them were not promoted which supports their averments.

One Gurmeet Singh was directly appointed as Telephone Mechanic on 12.04.1982 in the pay-scale of ₹400-800, his appointment being subsequent to that of petitioners No.1 to 7. Khabinder Kumar and Baljit Singh were directly recruited as Telephone Mechanics in January, 1988. As per seniority-list, petitioners No.1 to 7 are seniors to all the abovesaid three persons and petitioner No.8 is senior to Khabinder Singh and Baljit Singh having been appointed in the year 1987.

Pay-scales of the employees working with the Punjab State Electricity Board were revised w.e.f. 01.01.1986. Pay-scale of ₹1410-2480 was granted to Gurmeet Singh on completion of nine years of service on 12.04.1991 and his pay was fixed at ₹1440/- w.e.f. 12.04.1991. Petitioners, who completed nine years of service in the year 1990 were not granted senior scale of ₹1410-2480 but they were granted a lower scale of ₹1350-2400 on completion of their

16 years of service from the date of their initial appointments. Representations of the petitioners claiming relief in terms of the abovesaid decisions of this Court in CWP No.13466 of 1999 and CWP No.1925 of 2004 Annexure P4, and LPA No.72 and 73 of 2009 Annexure P6, were rejected.

Learned counsel for the petitioners submits that the case of the petitioners is squarely covered by the abovementioned decisions. There is no ground for any distinction whatsoever.

Learned counsel for respondent – Corporation has made a futile effort to contend that persons appointed directly stand on a different footing than the petitioners, who are promoted to the posts of Telephone Mechanics. Such an argument is clearly untenable and misconceived in view of the fact that a similar plea raised on behalf of the respondents in the decisions mentioned above has been specifically rejected by this Court.

Controversy involved in CWP No.13466 of 1999 and CWP No.1925 of 2004 is identical to the one raised in the present writ petition. Petitioners in the said writ petitions were granted a lower scale on completion of 16 years of service from the date of their initial appointments as Telephone Attendants and were not granted the pay-scale ₹1410-2480 on completion of nine years of service as Telephone Mechanics. Their pay was directed to be stepped-up to that being drawn by their junior, Gurmeet Singh. Division Bench of this Court while deciding LPA No.72 of 2009 on 12.02.2009, Annexure P6 has noted the sole contention raised by the appellants therein and specifically rejected it while observing as under:-

“6. Only contention raised by learned counsel for the appellant is that Gurmit Singh was directly recruited while the writ petitioners

had been earlier given promotion. On account of the fact that they were given promotion, they were not entitled to the benefit of Time Bound Benefit of Promotional Scales scheme and were not, thus, entitled to higher pay scale.

7. Learned Single Judge has gone into this question and held that in view of earlier judgment of this Court in **T.R. Bansal v. Punjab State Electricity Board** 2005 (2) SLR 410, source of recruitment could not be a ground for discrimination and denial of higher pay scale. From practical point of view, the writ petitioners had also been denied promotion for more than nine years and there was no reason to deny parity in the matter of pay scale vis-à-vis Gurmit Singh.

8. We are in agreement with the view taken by the learned Single Judge. The petitioners being senior and having rendered longer service, could not be denied same pay scale which was given to a person recruited to service after the petitioners and who admittedly were junior to the petitioners in the same cadre.

9. Accordingly, this appeal is dismissed.”

Controversy in hand is squarely covered by the decisions aforementioned.

Keeping in view the facts and circumstances of the case, this writ petition is allowed. Respondents are directed to step-up the pay of petitioners No.1 to 7 equal to that being drawn by their junior Gurmeet Singh and that of petitioner No.8 to that being drawn by Khabinder Singh and Baljit Singh. No order as to costs.

December 18 , 2015.
'om'

(LISA GILL)
JUDGE