

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

(1)

LPA No. 782 of 2012

Uttar Haryana Bijli Vitran Nigam, Panchkula and another

.... APPELLANTS

Versus

Shamsher Singh and others

.... RESPONDENTS

(2)

LPA No. 1359 of 2012

Haryana State Electricity Board and others

.... APPELLANTS

Versus

Satbir Singh and others

.... RESPONDENTS

DATE OF DECISION : 01.05.2015

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Partap Singh, Advocate,
for the appellants (in LPA No. 782 of 2012)

Mr. Mohnish Sharma, Advocate,
for the appellant (in LPA No. 1359 of 2012)

Mr. R.K. Malik, Senior Advocate, with
Mr. Vijay Dahiya, Advocate,
for respondents No.1 to 3, 5 to 8 and 10 (LPA No.782 of 2012)

Mr. V.D. Sharma, Advocate,
for respondents No.1 to 3 and 10 to 18 (LPA No. 1359 of 2012)

Mr. I.D. Singla, Advocate,
for respondent No.9 (in both the LPAs)

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SATISH KUMAR MITTAL, J. (Oral)

This order shall dispose of LPA Nos. 782 and 1359 of 2012. Both these intra-court appeals under Clause X of the Letters Patent have been filed by Uttar Haryana Bijli Vitran Nigam.

LPA No. 782 of 2012 has been filed against the order dated 23.08.2011 passed by the learned Single Judge, whereby the writ petition (CWP No. 2060 of 2011) filed by Shamsher Singh (respondents herein) and others was allowed and the appellants herein were directed to re-fix the pay of the respondents (petitioners in CWP No. 2060 of 2011) by granting them revised pay scale of ₹ 1200-2400 with effect from 01.05.1990 or the dates of their appointment (whichever is later) within six months of receipt of certified copy of the order. The arrears were restricted to the period 36 months preceding the filing of the writ petition.

LPA No. 1359 of 2012 has been filed against the order dated 27.04.2012 passed by the learned Single Judge, whereby the writ petition (CWP No. 2858 of 1994) filed by the similarly situated persons was allowed in terms of the aforesaid order dated 23.08.2011 passed in Shamsher Singh's case (supra).

Learned counsel for the respondents have pointed out that while following the order dated 23.08.2011 passed in Shamsher Singh's case (supra), CWP No. 9904 of 2005, titled as Subhash Chander and others versus Uttar Haryana Bijli Vitran Nigam and others, was allowed and similar directions were issued vide order dated 08.08.2013. Learned counsel

further states that against the aforesaid order dated 08.08.2013, the appellants preferred LPA No. 33 of 2014, which was dismissed by this court vide order dated 11.02.2014, while observing as under :-

“As per facts on record, the respondents were appointed as Helper Grade II between January 1992 and June 1992. For the said post as per Rules, minimum prescribed qualification was Matric with ITI. On representation being made, the Chief Engineer, vide letter dated 20.5.1998 recommended their case for grant of higher pay scale. It is also on record that the Helpers were promoted to the next post of Shift Attendants in the year 2004. When despite making many efforts, they failed to get positive response, a legal notice was served upon the authorities on 18.10.2004. When it failed to yield any result, they filed CWP No.2082 of 2005 which was disposed of on 8.2.2005 directing the authority concerned to look into their grievance as raised in the legal notice and pass an appropriate order. In response to the directions, order dated 12.5.2005, declining their prayer was passed.

The learned Single Judge noted that the issue in dispute has already been settled by various judgments of this Court vide which higher technical pay scales were granted to those who possess minimum technical qualification for the post in question. By placing reliance upon judgment of this Court in Shamsher Singh and others v. State of Haryana and others (CWP No.9510 of 1994), decided on 22.12.2008, prayer made by the respondents was granted.

At the time of arguments, counsel for the appellants has failed to show anything to the contrary. It is not in dispute that the respondents possess the minimum qualifications which are prescribed for the post in question. It is also not in dispute that others similarly situated employees are getting higher pay scale.

No case is made out for interference.

The appeal stands dismissed.”

It has been further pointed out by learned counsel for the respondents that against the aforesaid order dated 11.02.2014, SLP No. 16093 of 2014 was filed by the appellants, which has also been dismissed on merits by the Apex Court vide order dated 10.10.2014. Thus, learned counsel for the respondents contends that the aforesaid order passed in Subhash Chander's case in terms of the order passed in Shamsher Singh's case, has been upheld by the Division Bench of this court as well as by the Apex Court.

In view of the aforesaid undisputed facts, learned counsel for the appellants states that both these appeals are to be dismissed in terms of the order dated 11.02.2014 passed in LPA No. 33 of 2014 in Subhash Chander's case.

Ordered accordingly.

(SATISH KUMAR MITTAL)
JUDGE

May 01, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE