

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

**CM Nos.2194-2195 of 2016 in/and
CWP No.13473 of 2012 (O&M)
Date of decision: 18.03.2016**

Ishwar Singh

...Petitioner

versus

Haryana Vidyut Parsaran Nigam Ltd. and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ram Niwas Sharma, Advocate,
for the applicant-petitioner.

Mr. Pardeep Singh Poonia, Advocate,
for the respondents.

RITU BAHRI, J.

CM No.2194 of 2016

In view of the averments mentioned in the application, same is allowed and the main petition i.e. CWP No.13473 of 2012 is taken up today itself for disposal.

CWP No.13473 of 2012 (O&M)

The petitioner is seeking to quash the action of the respondents in re-fixing his pay by reducing the same from Rs.12,370/-, Grade Pay Rs.3300/- to Rs.9860/- with Grade Pay of Rs.2400/- in view of the letter dated 23.12.2010 (Annexure P-7).

Learned counsel for the petitioner has placed on record copy of an order passed by this Court in **Rajbir Singh Vs. Uttar Haryana Bijli**

Vitran Nigam Limited and others, CWP No.25750 of 2013, decided on

08.01.2015 (Annexure A-1). In that case, the petitioner had been granted stepping up of pay at par with his junior Sh. Ajay Kumar, LDC. However, later on, this benefit had been withdrawn and an amount of Rs.1,36,762/- was ordered to be recovered from him. The said recovery order had been passed as per the instructions dated 23.06.2009, which were adopted by the respondent-corporation w.e.f. 13.01.2010. The said petition was allowed by this Court as the benefit had been rightly extended to the petitioner in view of the judgment passed by the Hon'ble Supreme Court in **Commissioner and Secretary to Government of Haryana and others Vs. Ram Sarup Ganda and others**, Civil Appeal No.3250 of 2006. While allowing the petition, it was observed that no ambiguity of any kind, whatsoever, was left and the petitioner was rightly granted the benefit of stepping up the pay scale with his junior Ajay Kumar, by passing the order dated 19.02.2008. Ultimately, a direction was given to the respondents to give the benefit of stepping up of pay scale to the petitioner from the date his junior (Ajay Kumar) had been given the same benefit. The decision given by this Court in **Rajbir Singh's** case (supra) has been followed by a Co-ordinate Bench of this Court in **Satya Narain Sharma Vs. Uttar Haryana Bijli Vitran Nigam and another**, CWP No.6829 of 2013, decided on 24.04.2015 (Annexure A-2).

This case is squarely covered by the judgments given in **Rajbir Singh** and **Satya Narain Sharma's** case (supra) (Annexures A-1 and A-2) and learned counsel for the respondents has not been able to distinguish the case of the petitioner from the aforesaid judgments.

Resultantly, the impugned action of the respondents is set aside and the petitioner is held entitled to the benefit of stepping up of pay at par with his junior. Pay of the petitioner already fixed vide order dated

22.04.2009 (Annexure P-6) is ordered to be restored.

The petition stands allowed accordingly, with no order as to costs.

18.03.2016
ajp

(RITU BAHRI)
JUDGE