

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

**CWP No. 13375 of 2015
Date of decision : 11.01.2016**

Virender Kumar Handa

...Petitioner

versus

The Managing Director UHBVNL and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Pankaj Maini, Advocate
for the petitioner.

RITU BAHRI , J.

Petitioner- Virender Kumar Handa has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari for quashing orders dated 28.04.2015 (P-6) passed by respondents and order dated 16.09.2009.

The petitioner was appointed as Meter Reader on 09.04.1973 and retired on 30.06.2009 on attaining the age of superannuation from the post of UDC from the office of Supdt. Engineer (Operation Circle), UHBVN Ambala. The petitioner has not been granted the benefit of higher standard pay scale on completion of

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10 and 20 years of regular satisfactory service which was become due in April 1983 and April 1993. The petitioner was granted the benefit of increments after completion of 8 and 18 years of service. Thereafter, the benefit of 1st ACP and 2nd ACP granted to the petitioner was withdrawn.

The grievance of the petitioner before this Court that he was not granted the 3rd ACP on completion of regular satisfactory service but his similar situated employee i.e Smt. Shashi Bala Soni was granted the benefit of 3rd ACP, as she was re-appointed on the orders of Labour Court with continuity in service. In this regard, the petitioner have given representations dated 01.10.2010 (P-4) and 11.04.2012 (P-5) but no action has been taken. Thereafter, the petitioner approached this Court vide CWP No. 13632 of 2014, which was disposed off on 28.01.2015 with directions to the respondents to decide the representations, referred to above. However, the respondents passed order dated 28.04.2015 (P-6) whereby claim of the petitioner was rejected.

The petition filed by the petitioner is liable to be rejected as the respondents vide order dated 28.04.2015 had referred to the service particular of the petitioner with that of Smt. Shashi Soni and it has been stated that the petitioner was appointed on 12.04.1973 and

was terminated on 30.09.1974 and his termination period was decided as leave of kind due vide order dated 30.06.1980 and his services were regularized vide order dated 30.04.1981 w.e.f 01.01.1980 as Meter Reader. However, Smt. Shashi Soni was appointed on ad hoc basis w.e.f 29.07.1971 and was terminated on 10.01.1975 and was reinstated in service on the same terms and conditions which were applicable to her at time of termination, vide order of labour Court dated 21.02.1981 and she was allowed to join the duty vide order dated 03.03.1981 with a condition to treat the intervening period as leave of kind due with no back wages except salary admissible to her under Rules. Her services were regularized w.e.f 09.04.1973.

The petitioner was not found entitled for any higher standard scale and 03rd ACP as per instructions of the Nigam as he has got promotional scale of Rs.1200/2400 w.e.f 01.05.1990 and voluntarily retired on 30.06.2009 and thus he would complete his 30 years of service on 01.01.2010 as his services were regularized w.e.f 01.01.1980. Hence, on the date when he voluntary retired on 30.06.2009, he had not completed 30 years of service. On the other hand, Smt. Shashi Soni was granted 2nd Higher Standar Scale and 3rd ACP on completion of 20/30 years of regular satisfactory service, as she was regularized w.e.f 09.04.1973.

Thus, once the petitioner has not completed 30 years of regular satisfactory service, he cannot claim parity with Smt. Shashi Soni.

The writ petition is dismissed, being devoid of any merit.

(RITU BAHRI)
JUDGE

11.01.2016

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