

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23088 -2014 (O&M)
Date of decision: 19.12.2016

Raj Rani Gupta

.....Petitioner

versus

The Bhakra Beas Management Board and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.A.K. Walia, Advocate for the petitioner
Mr.Ravi Partap Singh, AAG Haryana
Mr.Rajesh Garg, Senior Advocate with
Ms.Nimrata Shergill, Advocate for the respondent No.2

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?*

Kuldip Singh, J. (Oral)

I have heard learned counsel for the parties and have also carefully gone through the file.

It comes out that since 22.12.1992 the petitioner was working as JBT Teacher with Haryana Government. On 30.9.1999, the petitioner was taken on deputation with Bhakra Beas Management Board (for short, 'BBMB') as JBT Teacher at Primary School, BBMB, Kotla, District Ropar. BBMB was following the pay scales of Punjab State Power Corporation for its employees. On being asked, the petitioner opted for the pay scales being given by the BBMB. She was also granted time bound promotion after completion of 9 and 16 years of service w.e.f. 22.12.2001 and 22.12.2008 respectively. On 21.10.2010, the petitioner was offered promotion of Head Teacher by the Haryana Government but it was not conveyed to her. When it was conveyed to her, she foregone the same due to family circumstances.

Petitioner ultimately retired while serving in BBMB. Now, vide impugned letter dated 2.11.2012 (Annexure P6) and impugned order dated 20.11.2012 (Annexure P7), the promotional scales given on completion of 9 and 16 years of service have been withdrawn. Both the respondents have separately contested the claim of the petitioner. It is not disputed that the petitioner was granted promotional scales on completion of 9 and 16 years of service when she fulfilled the conditions to avail the said promotional scales. The mere fact that she did not opt for the promotion is itself no ground to withdraw the scales.

Case of the petitioner is squarely covered by the ratio of the judgments of this Court in *CWP No.2587 of 2009* titled as *Rattan Chand vs. PSEB* decided on 12.8.2010 and also *CWP No.10411 of 2012* titled as *Jarnail Singh vs. PSPCL and others*, decided on 29.4.2014.

Accordingly the petition is allowed. The impugned letter dated 2.11.2012 (Annexure P6) and impugned order dated 20.11.2012 (Annexure P7) are hereby quashed. Consequently, the recovery order dated 7.3.2014 (Annexure P9) is also quashed. Payment already recovered from the petitioner is ordered to be refunded to him. The pension of the petitioner is also ordered to be refixed by his parent department after ignoring the letter dated 2.11.2012 (Annexure P6) and orders dated 20.11.2012 (Annexure P7) and 7.3.2014 (Annexure P9). Arrears be also accordingly paid to the petitioner by the concerned department who is liable to pay the same. Interest @ 9% per annum on the arrears be also paid.

19.12.2016

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No