

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24863 of 2014 (O/M)
Date of decision : 16.9.2016

Rajinder Kumar Sharma

..... Petitioner (s)

Versus

The Punjab State Power Corporation Limited and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. J.S. Jaidka, Advocate, for the petitioner.

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

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

-. -

-. -

KULDIP SINGH J. (ORAL)

The petitioner, who has retired as a Revenue Accountant from the Punjab State Power Corporation Limited, was firstly re-employed as a Revenue Accountant from 1.6.2007 to 31.5.2008 and thereafter, again employed as a Cashier for two terms i.e. from June, 2008 to December, 2010 and thereafter from March, 2011 to October, 2013. For the first spell as a Cashier, he was paid the fixed remuneration at the rate of Rs. 7,200/- and for the second spell, he was paid fixed remuneration at the rate of Rs. 8,000/-. The petitioner claims that as per the decision taken by the Committee of Whole Time Directors in its meeting held on 29.9.2010 (Annexure-P-1), the authority was given to re-employ cashiers at the monthly remuneration at the rate of Rs. 10,000/-. Therefore, from the said

CWP No. 24863 of 2014 (O/M)

date, the petitioner is entitled to remuneration at the rate of Rs. 10,000/- and is also entitled to arrears.

The respondents, on the other hand, have taken the stand that the decision of the Committee of Whole Time Directors was considered on 28.5.2013 and vide Annexure-R-1, the consolidated pay of the services hired on contract basis was fixed at Rs. 8,000/- per month.

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

It is not disputed by the parties that no formal appointment letter was issued to the petitioner and he was orally hired firstly as a Revenue Accountant and then as a Cashier. The dispute is regarding the period for which he served as a Cashier on contract basis. He was paid monthly remuneration of Rs. 7,200/- for the first spell and monthly remuneration Rs. 8,000/- for the second spell, though there was no written order of any of the authority in this regard. The petitioner seeks the benefit of Annexure-P-1 i.e. decision taken by the Committee of Whole Time Directors at its meeting held on 29.9.2010. The perusal of Annexure-P-1 shows that it is a decision taken by the Committee of Whole Time Directors on 29.9.2010. There is nothing on file to show that in pursuance to the decision taken by the Committee of Whole Time Directors, any instructions were issued to the department to revise the remuneration of the re-employed cashiers to enhance their remuneration with effect from any fixed date. In the absence of any instructions or letter to any authority, the decision of the Committee of Whole Time Directors in its meeting held on 29.9.2010 cannot be said to be binding on the respondents, so as to enable the petitioner to claim the enhanced remuneration, as per the decision of the

CWP No. 24863 of 2014 (O/M)

Committee of Whole Time Directors (Annexure-P-1). There was no written contract or agreement and the petitioner is to accept whatever is paid to him by the respondents. Finding no merit in the present writ petition, the same is dismissed.

(KULDIP SINGH)
JUDGE

16.9.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No