

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

**C.O.C.P. No.2689 of 2015 (O&M)  
Date of Decision: 27.02.2017**

Sham Lubhaya and others

..... Petitioners

*Versus*

K.D.Chaudhry, Chairman and Managing Director,  
Punjab State Power Corp. Ltd., Patiala

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Saravpreet S. Gurna, Advocate for the petitioners.

Mr. Naveen S. Bhardwaj, Advocate for the respondent/contemner.

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**JASWANT SINGH, J. (Oral)**

The petitioners on being promoted to the rank of Internal Auditor were claiming parity of pay scales w.e.f. 01.01.1986 as granted to the post of Head Clerk, as both the said posts along with the post of Office Assistant were promotional posts from the feeder cadre of Circle Assistant, as per the option exercised by the employees concerned. It was claimed that all the three promotional posts were always in the same pay scale and the anomaly has been created w.e.f. 01.01.1986 by granting higher pay scales to the identical promotional post of Head Clerk. The petitioners, fortified their stand vide order dated 21.01.2010, rendered by this Court in **CWP No.9294 of 1993** titled as “**Thana Singh and others Vs. The Punjab State Electricity Board and another**”, filed CWP No.27463 of 2013, which was disposed of by this Court vide order dated 21.05.2015 (**Annexure P-1**), directing the authorities concerned to conduct an exercise in the following terms:-

“ *From the above quoted facts, it is apparent that the directions given in **Thana Singh's** case (*supra*) were to be applied to all similarly situated employees of the respondent Corporation in*

*Group XII. It is the admitted case between the parties that all the petitioners are employees of the respondent Corporation falling under Group XII and are thus similarly placed, as the petitioners in **Thana Singh's** case (*supra*).*

*That being so, as per the orders of this Court in **Thana Singh's** case (*supra*) as also the order dated 02.08.2013, passed by the Apex Court, as quoted above, the respondent Corporation is directed to grant the same relief to the petitioners, as granted to the petitioners in **Thana Singh's** case (*supra*), however, subject to the final order, to be passed in the pending appeals by the Apex Court. If the appeals are allowed by the Apex Court the respondent Corporation would be at liberty to recover the excess amount from the salary and other emoluments payable to the petitioners.*

*It is further directed that the needful exercise be conducted within a period of two months from the date of receipt of a certified copy of this order. ”*

Since the needful was not done within the stipulated time, hence the present contempt petition.

Upon notice, a reply has been filed, wherein it has been asserted that a common order dated 04.08.2016 with respect to the claimants, including the petitioners, has since been passed and the required pay scales w.e.f. 01.01.1986 have since been granted and the corresponding re-fixation of pay completed and the admissible dues released.

Learned Counsel for the petitioners submits that the exercise conducted pursuant to the order dated 21.05.2015 (**P-1**) has not been correctly undertaken, whereas learned Counsel for the respondent on the other hand submits that the order dated 04.08.2016 is a speaking order and, therefore, the order dated 21.05.2015 (**P-1**) stands fully complied with, however, if the petitioners still have the grievance, they have their individual remedy to first approach the Department and thereafter approach the Court.

In view of the above, no further action is warranted in the present contempt petition.

Accordingly, the present contempt petition stands dismissed as infructuous.

February 27, 2017

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(JASWANT SINGH)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |