

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-14416-1995 (O&M)

Date of Decision:-16.12.2017.

Jai Bhagwan and others

.....Petitioners

Versus

The Bhakra Beas Management Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rohit Mittal, Advocate for the petitioners.

Mr. Sumit Gupta, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioners have sought for a direction to the respondents to extend pay scale of ₹ 400-660/-; further revision of pay from time to time with reference to Punjab State Electricity Board Statutory Rules or Regulations which have been adopted by the respondents-Bhakra Beas Management Board (for short 'BBMB').

Petitioners were stated to have been appointed as a Security Guards vide Annexure P-1. Wrongly their pay scale has been indicated as ₹ 400-600/-. Learned counsel for the respondents pointed out from Annexure R-1 that petitioners were appointed as Security Guard in the pay scale of ₹ 300-430 (₹ 400/470). Both petitioners and respondents have not produced relevant regulation or document to show that Security Guard post in the Punjab State Electricity Board carries a particular scale of pay.

Whereas, the petitioners produced a circular No.44 of 1989 with reference to order dated 15.06.1989 which is issued by the Deputy Secretary, Punjab State Electricity Board which reveals that post of Security Guard carries the pay scale of ₹ 400-660. Learned counsel for the respondents pointed out vide Schedule-B to the Punjab Civil Services (Revised Scale of Pay) Rules, 1979 to show that Security Guard post carries pay scale of ₹ 70-95 revised to ₹ 300-430. Thus, the petitioners were appointed as Security Guards in the pay scale of ₹ 300-430. It is to be noted that respondents are relying on Punjab Civil Services (Revised Scale of Pay) Rules, 1979 which is not relevant for the purpose of deciding petitioners' pay scale for the reasons that respondents-BBMB have adopted the Regulations and scale of Punjab State Electricity Board including Security Forces Service Regulations, 1976. Counsel for the respondents has failed to produced relevant document in respect of Punjab State Electricity Board where the Security Guard post carries a particular scale. Therefore, one has to go by Annexure P-3 Circular No.44 of 1989 issued by the Deputy Secretary, Punjab State Electricity Board, Patiala by which pay scale of the post of Security Guard has been indicated as ₹ 400-660. Moreover, the respondents have not denied adoption of the document Annexure P-3 in their written statement so also relevant statutory regulations relating to pay scale attached to the post of Security Guard has not been made available. Hence, Annexure P-3 is required to accepted. Accordingly, it is accepted. Respondents BBMB are directed to refix the petitioner's pay scale in the post of Security Guard at ₹ 400-660. Further consequential benefits shall be extended to the petitioners. It is made clear that the petitioners are not entitled to arrears of

respondent is hereby directed to complete the aforesaid procedure in extending the benefit within a period of 4 months from today.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

December 16, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.