

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

235/4

Civil Writ Petition No.11744 of 2016
Date of Decision: May 18th, 2017

Jatinder Kumar and others

...Petitioners

Versus

Punjab State Power Corporation Limited, Patiala

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Parminder Singh, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Having considered the submissions made by the counsel for the parties, this Court is of the view that the claim of the petitioners is covered by the judgment of this Court passed in *Civil Writ Petition No.9294 of 1993* titled as *Thana Singh and others Versus The Punjab State Electricity Board and another*, decided on 21.01.2010 (Annexure P-4) read in consonance with the judgment passed by this Court in *Civil Writ Petition No.10117 of 1992* titled as *Rajesh Kumar and others Versus The Punjab State Electricity Board through its Secretary*, decided on 11.11.2011 (Annexure P-6). It would not be out of way to mention here that the judgments passed by the learned Single Judge stand upheld by the Division Bench of this Court in *LPA No.713 of 2013* titled as *The Punjab State Electricity Board through its Secretary and another Versus Thana Singh and others*, decided on 28.09.2010 (Annexure P-5) and *LPA No.264 of 2012* titled as *Punjab State Power Corporation Limited, Patiala Versus Rajesh Kumar Jindal and others*, decided on 23.02.2012 (Annexure P-7).

Counsel for the respondent has informed the Court that against

the judgment passed by the Division Bench of this Court in *LPA No.264 of 2012, Special Leave to Appeal (Civil) No.35109-35112 of 2012* titled as *Punjab State Power Corporation Limited Versus Rajesh Kumar Jindal and others*, is pending before the Hon'ble Supreme Court.

Learned counsel for the petitioners has produced the order dated 02.08.2013 passed by the Supreme Court in the above SLP, wherein the Hon'ble Supreme Court has ordered implementation of the direction issued by learned Single Judge, within a period of one month's time. It has further been clarified that in case the Special Leave to Appeal is finally allowed, the respondent-Corporation will be free to recover the excess amount from the salary and other emoluments payable to the employees, who were petitioners therein. Stay as prayed by the Corporation has been specifically declined.

Learned counsel for the respondent has further pointed out that *LPA No.1171 of 2015* titled as *Punjab State Power Corporation Limited Versus Shyam Labhaya and others* and *LPA No.1746 of 2015* titled as *Punjab State Power Corporation Limited Versus Mandhir Singh Joshi and others*, are pending before the Division Bench, to which the counsel for the petitioners states that till date no notice has been issued therein.

In view of the above, the present writ petition is allowed in same terms as in *Thana Singh' case* and *Rajesh Kumar's case (supra)*. It is however added here that the payment, if any, made to the petitioners shall be subject to the final decision/order of the Supreme Court in the above referred to Special Leave to Appeals. In case the appeals are allowed by the Hon'ble Supreme Court, the respondent-Corporation shall be at liberty to

recover the excess amount from the salary and other emoluments payable to the petitioners.

May 18th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No