

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

**CWP No. 15400 of 2017**  
**Date of decision: 18.07.2017**

Sanjay Kumar

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr. Mohnish Sharma, Advocate,  
for the petitioner.

**G.S.SANDHAWALIA, J. (Oral)**

The petitioner seeks the relief of pay scale of ₹4,625-7,250 which is one pay scale below of his deceased father which he was entitled to i.e. 5,450-8,000 instead of pay scale which has been granted to him of ₹4,000-6,000 while issuing the offer of appointment as per letter dated 16.02.1999 (Annexure P-2) as Lower Division Clerk by respondent no. 2- the Haryana Vidyut Parasaran Nigam Ltd. He also seeks decision on the representation dated 20.02.2017 (Annexure P-6) which has been moved in this regard.

It is the case of the petitioner that his father was working as Upper Division Clerk with the Nigam and expired on 28.10.1998. Keeping in view the instructions issued by the State Government dated 08.05.1995 and 31.08.1995 (Annexure P-1 colly), appointment was given to him on one step lower keeping in view the pay scale of the deceased-father which he was drawing vide letter dated 16.02.1999 (Annexure P-2) in the pay scale of ₹4,000-6,000+40 S.P. Since the benefit of the second ACP of ₹5,480-8,000 had not been given to the father w.e.f. 01.01.1996, his widow and the

mother of the petitioner filed CWP No. 24290 of 2015 titled 'Kamlesh Sehgal and others vs. Dakshin Haryana Bijli Vitran Nigam Ltd. and others' for the benefit of the said ACP w.e.f. 01.01.1996. The writ petition was allowed on 21.04.2016 (Annexure P-3) in terms of the judgment passed in CWP No. 14580 of 2006 titled Prem Paul and others vs. The Managing Director, Utter Haryana Bijli Vitran Nigam and others, decided on 07.05.2008. It is the case of the petitioner that the benefits were accordingly granted vide order dated 18.04.2016 (Annexure P-4) w.e.f. 01.01.1996 in the scale of ₹5,450-8,000. It is, thus, his case that the appointment should be in the pay scale of ₹4,625-7,250 and he has accordingly represented for the said benefit.

Counsel for the petitioner has further relied upon a decision in CWP No. 3006 of 2010 titled Sushma Devi vs. Dakshin Haryana Bijli Vitran Nigam Ltd. and others (Annexure P-7) regarding this aspect wherein, it was directed that appointment be given in a scale one step below the scale of the deceased-employee after rejecting the argument raised by the respondent that the subsequent grant of higher scale of the deceased-employee would not entitle the petitioner for the corresponding higher scale and it was held that the employee was deemed to be drawing the said higher scale.

Without commenting on the merits of the case or the entitlement of the petitioner for the abovesaid relief and keeping in view the fact that the matter is still pending consideration, the present writ petition is disposed of with direction to respondent no. 5 to take a decision on the representation dated 20.02.2017 (Annexure P-6) within a period of 3 months from the date of receipt of certified copy of the order. In case the

petitioner is entitled for the necessary relief, the same be granted to him expeditiously. Needless to say if the benefit is to be declined, a reasoned order be passed and the same be conveyed to the petitioner.

18.07.2017  
shivani

(G.S. SANDHAWALIA)  
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No