

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

**Civil Writ Petition No. 12252 of 2011 (O&M)
Date of Decision: 16.07.2018**

Nawal Kishore and others

..... Petitioners

Versus

Punjab State Power Corporation Limited,
Patiala and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sandeep Arora, Advocate
for the petitioners.

Mrs. Madhu Dayal, Advocate
for the respondents-PSPCL.

JASWANT SINGH, J.

1. Eight petitioners, namely, Nawal Kishore, Pradeep Gupta, Swaran Singh, Munish Kumar, Kamal Rakesh, Harmanpreet Singh, Kulwinder Pal and Satwinder Singh (petitioner Nos. 1 to 8 respectively) have filed the present petition under Article 226 and 227 of Constitution of India seeking quashing of order dated 05.04.2010/08.04.2010/14.01.2011 **(Annexure P-1 to P-14)**, whereby the respondent has withdrawn benefit of proficiency step up in the form of one additional increment extended to all the petitioners on completion of eight (08) years of service.

2. The petitioners joined service in the erstwhile Punjab State Electricity Board, which has been succeeded by Punjab State Power Corporation Ltd. The petitioners at the time of filing writ petition were serving as Internal Auditor who had been granted proficiency step up in the scale of Rs. 1800-3200 upon completion of eight (08) years' service. The

petitioners refused to accept their promotion as Revenue Accountant which

culminated into issue of notice of withdrawal of benefit of proficiencies step up and recovery of certain amount.

3. Learned counsel for the petitioners contended that issue involved is no more *res-integra* as this Hon'ble Court in the case of ***Shiv Murti Versus Punjab State Electricity Board & Others (CWP No. 8877 of 2006, decided on 12.10.2010)*** and ***Om Parkash Versus Punjab State Power Corporation Limited and others (CWP No. 13449 of 2011, decided on 01.06.2016)*** has already settled the issue in favour of similarly situated employees.

Learned counsel for the respondents on being confronted with aforesaid judgments expressed her inability to controvert the same.

4. Having scrutinised record of the case and hearing arguments of both the counsel, this Court finds that present controversy stands settled in the favour of petitioners, therefore, present petition deserves to be allowed.

5. The only question involved in the present petition is whether the proficiency step up benefit by way of one additional increment can be withdrawn on the ground that the petitioners have refused to accept subsequent offer of promotion. This Court in the case of ***Shiv Murti Vs. P.S.E.B. & Ors. and Om Parkash Vs. P.S.P.C.L. & others (supra)***, while relying upon earlier judgment in the case of ***Rattan Punjab Vs. P.S.E.B. (CWP No. 2587 of 2009)*** has categorically held that benefit of additional increment on completion of eight (08) years' service cannot be withdrawn even though the petitioner has refused to accept the subsequent/later offer of promotion.

6. Respectfully following the law enunciated by this Court, I hold that present petition deserves to be allowed and accordingly **petition is allowed**. It is hereby made clear that if any employee has retired during the pendency of present petition, his pension or other pensionary benefits shall be reconsidered in the light of this order.

No order as to costs.

Since the main case has been decided, therefore, pending miscellaneous application(s), if any, stand(s) disposed of.

July 16, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>