

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12900 of 2013

Date of Decision: 14.08.2018

Raj Mal and others

... Petitioners

Versus

Uttar Haryana Bijli Vitran
Nigam Limited and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sudhir Hooda, Advocate,
for the petitioners.

Mr. P.S. Poonia, Advocate,
for respondents No.2 to 4.

RAJIV NARAIN RAINA, J.(Oral)

1. Heard learned counsel for the parties and perused the record on file.
2. The petitioners are general category candidates. They have approached this Court for stepping up their pay on par with earlier promoted reserved category candidate (Ram Kumar Ranga-respondent No.5). There is no dispute that the petitioners were appointed at Level-1 earlier than Ranga but Ranga was promoted to Level-II on May 24, 1983 and Level-III on May 24, 1986. He was further promoted as Junior Engineer on October 17, 1990 and as Junior Engineer-I on March 03, 2006.
3. When Ranga was promoted to Level-III (SSA) the petitioners were still at Level-1 and, therefore, they cannot catch up with Ranga and

regain seniority over him in view of the law in Sube Singh Bahmani and others v. State of Haryana, (1999) 8 SCC 213. The Supreme Court rejected the argument of extreme catch up put forward by the general category candidates. Catching up can only be from one level to the other but not when there is a gap of two steps in between. If the petitioners cannot regain in seniority then the question of stepping up of their pay does not arise on par with Ram Kumar Ranga-respondent No.5.

4. Moreover, when Ranga reached Level-IV (Junior Engineer) by promotion, the petitioners were still Assistant Sub Station Attendants.

5. The senior general category candidate can legitimately claim stepping up of a pay when he catches up with the earlier promoted reserve category candidate with his seniority restored. This principle is embedded in the instructions dated March 05, 2009 (P-3). The instructions have been issued in implementation of directions issued by this Court in CWP No.5956 of 2008 in Charan Dass, Deputy Superintendent v. State of Haryana decided on November 18, 2008 holding that petitioner-Charan Dass would be entitled to stepping up of his scale of pay on the date of his promotion to the next higher post as Assistant on par with his junior Rameshwar Dass (SC) who was promoted earlier and still later to the higher posts of Deputy Superintendent and Superintendent at the respective levels 2, 3 and 4 from the dates when he assumed office of the promotional posts.

6. Charan Dass caught up with Rameshwar Dass (SC) on his promotion to the post of Assistant. But in the present case, the facts are different and, therefore, the instructions do not apply. Petitioners have no legal right to stepping up of pay drawn by the 5th respondent.

7. Accordingly, I find no merit in this petition and would dismiss it.

14.08.2018
manju

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No