233 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) **CWP No. 13545 of 2015 (O&M)**
Date of Decision: 13.11.2018.

Anoop Singh and another
... Petitioners
Versus

The Punjab State Power Corporation Limited and others

... Respondents

(2) **CWP No. 14402 of 2015 (O&M)**

Manmohan Singh and another ... Petitioners

Versus

The Punjab State Power Corporation Limited and others

... Respondents

(3) **CWP No. 14403 of 2015 (O&M)**

Gurdev Singh Gill and another
... Petitioners
Versus

The Punjab State Power Corporation Limited and others

... Respondents

(4) **CWP No. 19846 of 2016 (O&M)**

Kuldeep Singh Raina and others ... Petitioners

Versus

The Punjab State Power Corporation Limited and others

... Respondents

(5) **CWP No. 13534 of 2015 (O&M)**

Makhan Singh Chauhan

... Petitioner

Versus

The Punjab State Power Corporation Limited and others

... Respondents

(6) **CWP No. 14719 of 2015 (O&M)**

Surinder Kumar ... Petitioner

Versus

The Punjab State Power Corporation Limited and others

... Respondents

CORAM : **Hon'ble Mr. Justice Jitendra Chauhan**

Present: Mr. J.S. Jaidka, Advocate,
for the petitioner(s) in all petitions.

Mr. Vinod S. Bhardwaj, Advocate,
for the respondents in all petitions.

JITENDRA CHAUHAN.J.

This judgment shall dispose of aforementioned six civil writ petitions as common questions of facts and law are involved therein.

The facts are being taken from C.W.P. No. 13545 of 2015. The petitioners are stated to be either serving or retired as Revenue Accountants/Divisional Accountants. The grievance of the petitioners is that they have been getting lower pay scale than the post of Internal Auditors which is in fact a post lower than the post held by them and also constitutes their feeder cadre. The channel of promotion from Internal Auditor is either to Revenue Accountant or Divisional Accountant respectively. During the 1986 pay scale revision, the

Revenue Accountants/Divisional Accountants enjoyed the pay scale higher than that of Internal Auditors. Now, the Internal Auditors have been given pay scale equivalent to that of Head Clerks as a result of order dated 21.01.2010 passed in CWP No. 9294 of 1993. By virtue of this order, the Internal Auditors are enjoying pay scale equivalent to Head Clerk/Divisional Superintendent. With this an anomaly has been created as the Internal Auditors enjoy pay scale higher than that of Revenue Accountants and Divisional Accountants despite the fact that Internal Auditor is a post lower than that of Revenue Accountant and Divisional Accountant and is in fact a feeder post.

On the other hand, the stand taken by the respondents is that the Divisional Accountants had earlier agitated regarding whether their post could carry pay scale lower than that of Head Clerk. This controversy was settled in LPA No. 9 of 2011 titled as "Sat Pal Sharma vs. Punjab State Electricity Board, Patiala and others" in which it was held that if one becomes Divisional Accountant from the post of Head Clerk it is not a case of promotion but only a case of an appointment.

Heard.

In ***Mani Ram vs. The State of Punjab 1994(1) SCT 742*** it was held as under:-

> *"From the pleadings as extracted above, it is thus proved to the hilt that whereas the petitioners were earlier drawing better scale, it came so considerably down that it was even below the inferior posts. It is rather strange to note that a person on promotion*

> *has been paid in a lower pay scale from the one which he was getting on lower post. If this is permitted to happen, no one would ever work with zeal and dedication nor he would ever like to acquire better experience and more qualifications. This would, thus result in complete stagnation. Further, it is legitimate aspiration of every citizen to be better placed, both, in status and pay on promotion and if this is to be frustrated, it will, obviously, damper in the growth of the man which, as observed above, it a natural desire of everyone."*

Since the post of Internal Auditor is feeder cadre of the cadre of Accountants and Divisional Accountants, therefore, the promotional post cannot carry less pay scale than that of Internal Auditor but in the given case, on promotion from Internal Accountant to either Revenue Accountant or Divisional Accountant, his pay actually decreases. Increase in the emoluments and rise of status are the natural consequences of the promotion, the denial thereof would result into negating of legitimate expectations, as noticed in ***Mani Ram's case (supra)***. Consequently, all the civil writ petitions are allowed. All the impugned orders are set aside. The respondents are directed to correct the anomaly and fix their pay accordingly. The necessary exercise be done within a period of two months from the date of receipt of copy of the order.

A photocopy of this order be placed in the file of other connected case(s).

13.11.2018. **(JITENDRA CHAUHAN)**
SN **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No