

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

CWP No. 6010 of 2014

Date of Decision: 02.08.2018

Prithvi Singh and others

...Petitioners

Vs.

Uttar Haryana Bijli Vitran Nigam Limited through its Managing
Director and others

...Respondents

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

Present: Mr. Ashutosh Kaushik, Advocate for the petitioner.
Mr. P.S. Poonia, Senior Panel Counsel
for respondent Nos. 1 to 3.

RAJIV NARAIN RAINA, J. (Oral)

1. This petition has been brought under Article 226 of the Constitution of India praying for fixing pay and pension of the petitioners and for directions to pay them arrears by revising their pensionary benefits.

2. The petitioners were appointed as Assistant Linemen on 28.04.1973 except petitioner Nos. 4 and 6 who joined the service on 11.05.1973 & 01.05.1973 on temporary basis. They continued in service till they were regularized on 25.05.1980 except petitioner No.3 whose service was regularized on 15.05.1979. They claim that temporary period spent in service be also counted towards seniority and other benefits. A Civil Suit No. 395/CS/1988 was filed which was decreed in their favour on 04.06.1992 and it was held that the plaintiffs therein (the present petitioners) are entitled to seniority w.e.f the date of

original appointments as Assistant Lineman (ALM) in the year 1973.

3. The trial Court held them entitled to all consequential benefits attached to their post with effect from the date of their original appointment. By way of consequential relief prayed by the plaintiffs, the defendants were restrained from promoting persons junior to the plaintiffs without revising the seniority list. The first appeal by the Board before the District Court, Jagadhri was dismissed vide order dated 25.08.1994 (Annex. P-2). The respondent-Board also remained unsuccessful in RSA No.3869 of 1994 as the same was dismissed on 16.02.1995. Since the decree has attained finality, relief to the petitioners became irresistible.

4. In the wake of the final decree, this petition has to be allowed. Accordingly, direction is issued to the respondent Nigam to re-fix the pay and pension of the petitioners in terms of the decree by counting the previous period of service with the period after regularization. Arrears be calculated and disbursed to the petitioners within four months from the date of receipt of a certified copy of the order. Since seniority was already granted, it will follow sequitur that the benefit of arrears ACP pay-scale would also become due and payable since the period has been treated as regular by the civil Court.

02.08.2018**(RAJIV NARAIN RAINA)**

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