

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

LPA-1477-2018 (O&M)

Date of decision:- 15.11.2018

Haryana Power Generation Corporation Limited, Panchkula
and another

...Appellants

Versus

Ved Parkash and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellants.

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KRISHNA MURARI, C.J. (ORAL)

CMS-3997 & 3998-LPA-2018

For the reasons mentioned in the applications, the
delay of 75 days in filing and 23 days in re-filing the appeal
is condoned.

The applications stand disposed of.

LPA-1477-2018

This intra court appeal under clause X of the Letters
Patent is directed against the judgement and order
dated 14.02.2018 passed by the learned Single Judge allowing
the writ petition filed by the petitioners
(respondents herein).

2. The facts in nutshell can be summarized as under:-

Respondents were promoted as Divisional Accountant in
accordance with the promotion policy vide order
dated 15.02.2014 and were getting the salary and other benefits
admissible to the said post. Vide order dated 21.11.2014 passed

by the appellant-Corporation, the said financial benefits including the enhanced pay which was being paid to the respondents were ordered to be withdrawn. The said order was challenged by filing the writ petition. The stand taken by the appellant-corporation in the written statement was that since the promotion was provisional as such they would not be entitled for the pay and other financial benefits admissible to the promotional post.

Learned Single Judge after analyzing the facts and circumstances of the case found that though the promotion of the respondents to the higher post was provisional, still they were discharging duties and responsibilities of the promotional post and as such they were entitled to the salary and other allowances admissible to the said promotional post on the principle of equal pay for equal work and the doctrine of quantum meruit. Learned Single Judge also relied upon the decision of the Hon'ble Apex Court in *Mrs. P. Grover Vs State of Haryana and another*, 1983 SCR (3) 654 to hold that since the respondents were discharging full functions and responsibilities of the promotional post, they would be entitled to be paid the salary and other financial benefits and accordingly proceeded to quash the impugned orders dated 21.11.2014 and 05.05.2016 and allowed the writ petition.

3. Having heard learned counsel for the appellants, we are of the view that the claim of the respondents has been allowed by the learned Single Judge relying upon the settled proposition of law to which no exception can be made. Even during the course of arguments, learned counsel for the appellants has failed to point out anything to dispute the

proposition of law relied upon by learned Single Judge or that the ratio therein was not applicable to the facts of the present case.

4. In view of the above facts and circumstances, we find no infirmity in the judgement of the learned Single Judge which may call for any interference.

5. The appeal fails and accordingly stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

15.11.2018
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No