

**Sr. No.208
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.8237 of 1993 (O&M)

Date of Decision: 03.05.2019

Piar Chand and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. K.L.Arora, Advocate,
for the petitioners.

Mr. Sunil Kumar Vashisth, DAG, Haryana.

Mr. Suvir Sehgal, Advocate,
for respondents No.2 to 4.

ARUN MONGA, J.(ORAL)

1. The petitioners herein seek issuance of a writ in the nature of mandamus directing the respondents to grant them pay scale of Rs.1600-2660/- and also to pay the arrears on account of difference of pay. Further prayer has been made to quash the impugned order dated 03.02.1993 (Annexure P-5) by which the representation of the petitioners has been rejected by the Board.

2. Succinctly the factual matrix is that the petitioners joined as 'T/Mate' or 'Lab Assistant' with the respondent-Haryana State Electricity Board (for brevity 'HSEB'). Having been promoted from time to time, they were working as 'Senior Technicians' at the time of filing of this writ petition. The petitioners are seeking parity with persons who were working as 'Senior Technicians' in Thermal Plants at Panipat and Faridabad and were given the revised pay

scales of Rs. 1600-2660/- as per Annexure P-13 w.e.f. 01.01.1986, whereas the petitioners were assigned pay scale of Rs.1350-2200/-.

3. In the return filed herein, the stand is that after restructuring in the 'HSEB', certain posts were amalgamated and the post of 'Head Mistri' was re-designated as 'Senior Technician' w.e.f. 1988. While, the post of 'Senior Technicians' in other departments like Thermal Plants at Panipat and Faridabad were re-designated as 'Foreman Grade-I'. The post of 'Senior Technician' was later abolished vide letter dated 10.12.1987 (Annexure R-2) w.e.f.15.01.1986. The petitioners thus cannot demand parity with the 'Senior Technicians' placed in Thermal Plants as no such post or scale existed in the Thermal Plants w.e.f. 15.01.1986.

4. By way of replication, the petitioners have contradicted the stand of the respondents. It is averred that the post of 'Senior Technician' is similar in both HSEB and Thermal Plants. The Government even has a Policy for transferring employees from HSEB to Thermal Plant and vice versa. The petitioners are, therefore, eligible for the revised pay scales being paid to 'Senior Technicians' placed at Thermal Plants.

5. I have heard the learned counsel for both the parties and have gone through the pleadings with their able assistance.

6. It is the conceded position that vide H.S.E.B. Office Order No.384/Finance dated 19.08.1987 (Annexure P-13), pay of 'Senior Technician' was revised from Rs.700-1250/- to Rs.1600-2660/-. The petitioners admittedly belong to Group-X at Sr.No.5

per Annexure P-13 and wherein revised pay scale of 'Senior Technician' has been prescribed as Rs.1600-2660/-.Therefore, the cadre of 'Senior Technician' was in existence on 01.01.1986 in the HSEB. Without going into the other aspects as brought out and argued by the learned counsels, I am of the opinion that petitioners are entitled to the scale of 'Senior Technician' since they belong to Group 'X'.

7. Benefit of revision of pay scale as admissible to the 'Senior Technician', by virtue of revision of pay scales vide Annexure P-13 at the time of re-designation of petitioners from 'Head Mistri' to 'Senior Technician' is thus admissible to them.

8. In the premise, impugned order dated 03.02.1993 (Annexure P-5) does not stand judicial scrutiny and is not tenable and, accordingly, is set aside. Respondents are directed to pay the arrears to the petitioners with effect from the date when they were re-designated as 'Senior Technician' i.e. 17.02.1988.

9. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

10. Disposed of.

(ARUN MONGA)
JUDGE

03.05.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No