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

CWP-4378-1996

Date of Decision: April 02, 2019

Er. Jagjit Singh and others

... Petitioners

vs.

Punjab State Electricity Board, Patiala

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.H.S.Saini, Advocate
for the petitioners.

Mr. R.L.Sharma, Advocate
for the respondent.

ARUN MONGA, J

Vide order dated 23.04.1990 (Annexure P2), erstwhile Punjab State Electricity Board formulated a scheme to allow time bound benefit of promotional scales and the various features of the same are stated therein. Pursuant thereto, it was decided that the scheme shall be implemented w.e.f. 01.01.1986.

2. The petitioners, at the relevant time, were serving as Assistant Engineers. Their grievance is that contrary to their legitimate expectations, arising out of the implementation of the scheme, vide impugned order dated 28.02.1994 (Annexure P5) passed by Secretary, Punjab State Electricity Board, Patiala, the benefit of time bound promotional scales was partially denied to the petitioners by making it effective from 31.10.1993 instead of 01.01.1986.

3. I have gone through the rival pleadings and heard learned

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counsels appearing for both sides.

4. I am in agreement with the argument of the learned counsel for the petitioners that once the Board had formulated a scheme and taken a policy decision to grant the benefit of promotional scales w.e.f. 01.01.1986, the said decision could not have been modified or overridden by the Secretary, in his administrative capacity, while executing the same on the ground of paucity of funds, as reflected from file noting (Annexure R1), relied upon by the respondents.

5. Furthermore, my attention has been drawn to the office orders dated 19.10.1993 (Annexure P/9), 31.03.1990 (Annexure P/10), 24.05.1990 (Annexure P/11), 30.07.1992 (Annexure P/12) and 08.08.1994 (Annexure P13), respectively. A perusal of the said office orders clearly reflect that the benefit of scheme has been granted across the board to all the employees working in the then Punjab State Electricity Board. The petitioners have been denied the same on an ostensible reason of some agreement between the Junior Engineers' Council and PSEB which is though recorded in the office notes but was never conveyed to the petitioners either in the impugned order or otherwise. The ostensible reason recorded in the office note of Secretary, PSEB, is that there was some agreement executed between Junior Engineers' Council and the PSEB wherein, it was agreed by the Junior Engineers that time bound pay scales, as per the scheme, *ibid*, be released to them w.e.f. 31.10.1993.

6. Learned counsel for the respondent submits that in view of the said agreement, it is not open to the petitioners to impugn the order (Annexure P5) passed by the Secretary, PSEB.

7. I am unable to agree with this submission of learned counsel

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for the respondent, as neither the impugned order anywhere mentions any such agreement having been executed nor the same seems to be a valid or reasonable ground for non-grant of relief.

8. Learned counsel for the petitioners, on the other hand, submits that there was no such agreement and the petitioners never forfeited their rights. It was in this background that this Court, vide order dated 18.08.2018, had directed the respondent to produce a copy of the agreement, relied upon by them, which was never produced by them in the writ proceedings.

9. In the absence of any such agreement, I am inclined to accept the arguments of the learned counsel for the petitioners, as noted above. The benefit of the scheme, formulated by the Electricity Board, has been given across the board to all the other employees. Therefore, the petitioners cannot be discriminated against and denied the benefit.

10. In view of my discussion above and the reasoning contained therein, the present writ petition is allowed with a direction to the respondent to grant the benefit of time bound pay scale, as per the scheme, which was implemented w.e.f. 01.01.1986 with all consequential pecuniary benefits to be disbursed to the petitioners alongwith interest @ 6% per annum w.e.f. the date of their entitlement until the actual disbursement.

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

April 02, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No