

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

222

CWP No.20628 of 2016

Decided on : 10.05.2019

Narinder Kohli

... Petitioner

Versus

Bhakra Beas Management Board and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE ARUN MONGA

Present : Mr.C.M.Chopra, Advocate
for the petitioner.

Mr.Anil Sharma, Advocate
for the respondents.

Arun Monga, J. (Oral)

1. Petitioner herein seeks quashing of order dated 22.03.2016 (Annexure P-10) whereby the respondent rejected his claim for pay parity with that of his juniors and further seeking directions to be issued to the respondents to step up his pay at par with his juniors from the date they were given to the said benefit along with all consequential benefits.

2. The only ground of denial of pay parity to the petitioner stated in the impugned order dated 22.03.2016 (Annexure P-10) is that since he is an allocated employee of State of Punjab, therefore, his pay anomaly cannot be considered by Bhakra Beas Management Board (hereinafter to be referred as 'BBMB') as he has not been inducted in BBMB on seniority basis.

2. After hearing the arguments of learned counsel for the petitioner as also the respondent-BBMB, I am of the view that the stand taken in the impugned order flies in the face of the conceded position that persons who were junior to the petitioner and were admittedly State

allocated employees from State of Punjab, as reflected in the seniority list (Annexure P-1), wherein the petitioner is placed at Sr.No.1189 and as against the same, his juniors placed at Sr. Nos.1211, 1216, 1218 and 1223 and 1274, have been granted pay parity.

3. Similar is the position as reflected from order/letter dated 20.03.2018 (Anneuxre P-8) whereby pay of one Shri Bakshish Raj was stepped up at par with his junior, Shri Vijay Kumar. The said Bakshish Raj is junior to the petitioner as reflected from seniority list (Annexure P-1). A perusal of Annexures P-10 and P-11 also shows that certain other employees who are admittedly junior to the petitioner as per seniority list (Annexure P-1) have also been granted the same benefit

4. In the premise, the impugned order does not stand the judicial scrutiny and is not tenable. The same is therefore, set aside. Respondents are directed to grant pay parity to the petitioner by removing the pay anomaly by way of stepping up his pay w.e.f. the date when his junior Sh. Vijay Kumar was granted higher pay.

5 The petitioner shall be entitled to the arrears of salary on account of re-fixation of his pay with interest at the rate of 7% per annum w.e.f. the date of his entitlement till the actual date of disbursement.

6. Writ petition is disposed of in the above terms.

[ARUN MONGA]
JUDGE

10.05.2019
sd

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No