

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

Sr. No.245

**CWP-23159-2014
DECIDED ON: 10.09.2019**

DINESH KUMAR

..PETITIONER

VERSUS

BHAKRA BEAS MANAGEMENT BOARD AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vivek K. Thakur, Advocate, for the petitioner.

Mr. Naveen Chopra, Advocate, for the respondents.

ARUN MONGA, J. (ORAL)

Petitioner herein *inter alia*, seeks issuance of a writ in the nature of mandamus for grant of pay scale of Rs.7250/13750 on completion of 9 years of service as Chemist. Further issuance of a writ in the nature of certiorari to quash the order dated 10.09.2013 (Annexure P-9) whereby his claim has been rejected.

2. The petitioner was promoted as Chemist in 1988 vide order dated 01.12.1988. On his promotion, he was entitled to a basic scale of Rs.7000/11750 which after 9 years of service as per time bound promotional scale was to be Rs.7250/13750 as is reflected from the letter/instructions dated 17.01.2006 (Annexure R-1) issued by the respondents vide which they had adopted the basic pay scale/time bound promotional scale on the pattern of Punjab State Electricity Board w.e.f 01.01.1996.

3. The grievance of the petitioner is that despite his promotion as Chemist, he has not been granted pay scale as per the pattern of Punjab

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State Electricity Board in violation of letter/instructions dated 17.01.2006.

In the written statement filed on behalf of respondents No.1 & 2 the following stand has been taken in para No.1 of the preliminary objections, which reads as under:-

1. It is also made clear that the petitioner was already drawing scale of Rs.7000/11750 as Chemist which was higher than the scale admissible to him on the grant of 2nd Time Bound promotional/devised promotional scales as notified by the respondent board vide Special Secretary, BBMB, Chandigarh letter No.1702-185/R/658/87/R-4 dated 17.01.2006 in which category of Lab Asstt. Exist at Sr.No.7 of page No.2 (Annexure R-1)."

4. On perusal of the aforesaid, there is no manner of doubt that entitlement of the petitioner to seek basic scale as per letter/instructions dated 17.01.2006 (supra) is not disputed. The ostensible ground of denial of the same is that he was already in the pay scale of Rs.7000/11750 as a Chemist which is higher than the scale admissible to him on grant of Second Time bound promotional scale. The petitioner was promoted as Chemist on 01.12.1988 and in accordance thereof on completion of 9 years he was to be granted the benefit of being placed in the pay scale of Rs.7250/13750. Concededly, the petitioner has not been granted the said benefit on completion of 9 years and no explanation, what to say of any plausible explanation, has been given in the written statement filed by the respondents.

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5. In the premise, writ petition is disposed of with a direction to the respondents to accord the benefit of letter/instructions dated 17.01.2006 (Annexure R-1) and grant the benefit thereof within a period of 60 days. After making the necessary calculations to pay the arrears along with interest @ 6% per annum.

10.09.2019

Ankur

(ARUN MONGA)
JUDGE

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