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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28142-2017 (O&M)
Date of decision: 19.2.2020

Harpal Singh and others

.....Petitioners.

vs.

PSPCL and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Dinesh Kumar, Advocate for the petitioners.
Mr. Suveer Sheokand, Advocate for respondents.

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Sanjay Kumar, J. (ORAL)

Prayer of the petitioners in this case is to direct the Punjab State Power Corporation Limited to grant them the pay scale of Rs. 830-1560 instead of Rs. 810-1440 from the date of their appointments and to refix their pay in accordance with the circulars/notifications issued by the Punjab State Electricity Board from time to time.

Perusal of the record reflects that the issue stands settled in favour of the petitioners by earlier decisions of this Court which stood confirmed by the Supreme Court.

Reference may be made to the judgment dated 17.12.2010 passed by this Court in *CWP-8588-2004*, titled '*Gursewak Singh and others vs. Punjab State Electricity Board and others*', which held to the effect that once pay scales were granted on par with regular employees, the same could not thereafter be withdrawn. This judgment stood confirmed in appeal in *LPA-1364-2011*, titled '*Punjab State Electricity Board and others vs. Kartar Singh and others*', which was dismissed on 8.8.2011. The Punjab State Electricity Board then approached the

Supreme Court by way of *Special Leave to Appeal(C)* number 32240-2011, titled '*Punjab State Electricity Board now PSPC Ltd and others vs. Kartar Singh and others*', which was dismissed on 20.9.2016.

In consequence to the afore-stated decisions, the Punjab State Power Corporation Limited (Finance Section) issued Office Order No. 14/2016 dated 22.9.2016 withdrawing its earlier memoranda dated 12.10.1994 and 17.4.2002. Thereafter, Office Order dated 5.7.2019 was issued by the Punjab State Power Corporation Limited making it clear that those employees who had not been given the scale corresponding to the regular employees were permitted to give their request for notional fixation of pay w.e.f. 1.1.1986 and those work charged workers who had already retired, while drawing lesser pay in comparison to the regular scales of pay, would be entitled to have their pay re-fixed w.e.f. 1.1.1986 on notional basis and the increased pay shall be considered deemed to be drawn as per the *Punjab CSR Rule No. 24.2*.

As it is an admitted fact that the petitioners herein were also placed on par with the regular pay scale employees and the benefits extended to them were thereafter withdrawn, they would stand identically situated to the petitioners/employees in the earlier litigation.

The writ petition is accordingly allowed to the extent of directing the Punjab State Power Corporation Limited to grant the petitioners' benefits on par with the petitioners in *CWP-8588-2004*.

No order as to costs.

(SANJAY KUMAR)
JUDGE

19.2.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no