

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

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CWP-14334-2018

Date of Decision : 03.02.2020

Shiv Kumar Anand

.....Petitioner

Versus

Haryana Vidyut Parsaran Nigam Ltd. and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr.Naveen Daryal, Advocate
for the petitioner.

Mr. C.S.Bakshi, Advocate
for the respondents.

NIRMALJIT KAUR, J. (ORAL)

The prayer in the present writ petition is for the functional pay scale Band 9300-34800/- by raising his pay scale to 5200 w.e.f. 01.01.2006 as per the order passed by the respondent and directing the respondent to fix the pay of the petitioner at par with his junior i.e. respondent No.4, after granting of ACP scale alongwith his juniors.

Reply is filed. Para No.2 of the reply to the preliminary objection reads as under :-

“That the petitioner in this petition has requested for grant of grade pay in the functional pay scale band Rs.9300-34800 by raising his pay scale 5200 w.e.f. 01.01.2006 and fix his pay at par with his junior, who belongs to reserved category

in view of the instructions dated 02.06.2008 & 05.03.2009. The petitioner was granted benefit of stepping up at par with Shri Om Parkash JE-I (Retired) candidate of reserved category vide office order No.561/SEG-426/L dated 16.11.2016 (Annexure R-1) vide which only notional fixation was given to the petitioner on the post of JE w.e.f. 08.11.1987 & JE-I w.e.f. 24.06.2008. However, the petitioner was actually promoted as JE on 06.03.2002 & JE-I on 19.11.2008.

The petitioner is demanding the 2nd ACP on the basis of stepping up which was granted to him with Shri Om Parkash JE-I (Retired) candidate of reserved category. However, as per office order No.872/Finance dated 27.02.2009 read with office order No.972/Finance dated 24.06.2015 (Annexure R-3), 2nd ACP in the grade pay of Rs.5200/- w.e.f. 01.01.2006, is granted after completion of 18 years regular service in the Nigam. As the petitioner was promoted to the post of JE on 06.03.2002, the petitioner would have completed 18 years of service as JE as on 05.03.2020. But before completion of 18 years' service, the petitioner retired on superannuation from the services of the Nigam on dated 30.06.2011 as Junior Engineer-I.”

Learned counsel for the petitioner at the outset gave up his claim with respect to the grant of ACP but has pointed out that inspite of the respondent having granted the notional fixation for the post of JE w.e.f. 08.11.1987 and JE-I w.e.f. 24.06.2008, the pension has not been revised accordingly.

In view of the above admitted position, the present petition is disposed of with a direction to the respondents to refix the pay and pension in terms of Annexure R-1 i.e. by granting step up equal to his juniors and thereafter release the arrears along with 6% interest from the date it fell due as expeditiously as possible preferably within three months of the receipt of the certified copy of this order. In case, the same is not paid within three months, then the same shall be paid @ 12% interest after the expiry of three months.

03.02.2020
anju

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No