

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

112

CWP-425-2022

Date of decision : 01.02.2022.

Punjab State Power Corporation Ltd. and another

... Petitioners

Versus

Parbodh Kaushal and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ankush Aggarwal, Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioners have challenged the order dated 22.07.2019 (Annexure P-5) passed by respondent No.2-Industrial Tribunal, Patiala (for short, 'the Tribunal') whereby the application preferred by respondent No.1 for difference of basic pay @ 1,370/- per month w.e.f. 23.05.1996 to 16.04.1997 has been allowed. Respondent No.1 had also been allowed dearness allowance and other allowances for the same period with step up promotion after completion of 9/16 years of service as Sub Station Attendant.

Learned counsel for the petitioners contends that respondent No.1 who had been appointed as Oil Cleaner was merely dispensing the function of Sub Station Attendant from 23.05.1996 to 16.04.1997. He had admitted in the witness box that when he was made to work as Sub Station Attendant, he had stated that he would not claim any monetary or service benefit for working as Sub Station Attendant.

Heard.

It is manifest from the material on record that respondent No.1 had been appointed as an Oil Cleaner on 24.05.1991. In terms of the Punjab State Electricity Board Regulation dated 05.06.1989 (Annexure P-1), the eligibility for promotion as Sub Station Attendant is five years service as Oil Cleaner. Respondent No.1, who had been appointed as Oil Cleaner on 24.05.1991, was eligible for promotion as Sub Station Attendant w.e.f. 23.05.1996. He had worked as Sub Station Attendant from 23.05.1996 till 16.04.1997 whereon he was substantively promoted as Sub Station Attendant. His alleged undertaking not to claim any benefit as Sub Station Attendant is not on record.

The Tribunal has relied upon the judgment of the Full Bench of this Court in the case of **Subhash Chander versus State of Haryana and others, 2012(1) Law Herald (Punjab & Haryana) 56** wherein respondent No.2 therein, who was working as Sub Station Attendant, after completion of five years as Oil Cleaner was held entitled to the scale of Sub Station Attendant from the date he had completed requisite period of five years experience as Oil Cleaner.

In view of the above, I do not find any infirmity in the impugned order which would warrant interference while exercising writ jurisdiction.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

February 01, 2022

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