

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1171-2015 (O&M)
Decided on : 22.11.2022

Punjab State Power Corporation Limited

... Appellant

Versus

Sham Labhaya and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Abhishek Singla, Advocate for
Mr. Vikas Chatrath, Advocate for the appellant.

None for the respondents.

G.S. Sandhawalia, J. (Oral)

Present Letters Patent Appeal is directed against the order of learned Single Judge dated 21.05.2015 passed in **CWP No.27463 of 2013** '**Sham Labhaya and others Vs. Punjab State Power Corporation Ltd.**

The learned Single Judge while disposing off the said writ petition had relied upon the earlier order passed in **CWP No.9294 of 1993** '**Thana Singh and others Vs. The Punjab State Electricity Board and another**', since the claim of the employees who were working as Internal Auditor was to grant the pay-scale equivalent to the pay-scale being granted to the Head Clerks alongwith entire arrears.

On account of the fact that **LPA No.713 of 2010** '**The Punjab State Electricity Board Vs. Thana Singh and others**' had been dismissed on 28.09.2010, the learned Single Judge had allowed the writ petition, though noticing that the matter was subject to the final order to be passed in the pending appeals by the Apex Court wherein an interim order dated 02.08.2013 had also been passed. A further condition had been incorporated that if the appeals are allowed by the Apex Court, the Corporation would be at liberty to recover the excess amount from the salary and other emoluments payable to the writ petitioners/respondents.

It has now been brought to our notice that in **Punjab State Electricity Board and another Vs. Thana Singh and others, (2019) 4 SCC 113** appeals of the Corporation had been allowed and the judgment of the learned Single Judge and the Coordinate Bench had been set aside but the recovery element as such was not given effect to in view of the interim order already passed in the case of **Thana Singh (supra)**.

It is pertinent to notice that there has no representation on behalf of the writ petitioners/respondents for the last two dates.

However, keeping in view the fact that there is a conditional order in favour of the respondent, we are of the considered opinion that since the directions were in pursuance of a pending matter it would bind the writ petitioners to that extent. Therefore, if any excess amount paid to the writ petitioners/respondents, would have necessarily to be refunded or in the alternative the Corporation will be at liberty to recover the same. It is, however, made clear that the said exercise has to be done by way of easy installments.

Keeping in view the abovesaid observations, the present appeal stands disposed of in terms of the judgment of the Apex Court.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

22.11.2022
Naveen

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No