

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

CWP No. 2854 of 2023

Date of decision : March 27, 2023

Gobind Ram Sharma

..... Petitioner

Versus

The Punjab State Power Corp. Ltd.and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. J. S. Jaidka, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

By way of present writ petition, petitioner prays for issuance of writ in the nature of certiorari for quashing of order dated 9.11.2022 (Annexure P-5). The petitioner claims parity with one Lal Chand who was a reserved category candidate viz-a-viz petitioner who was a general category candidate.

The claim of the petitioner is that he was promoted later in time as compared to Lal Chand from the cadre of JE to AEE. Once he was able to catch up his junior in the feeder cadre he is entitled to seek jump in the salary at par with his junior as per the catch up rule. The petitioner earlier approached this Court by way of CWP-14889-2022 which was disposed off by a co-ordinate Bench of this Court vide order dated 14.7.2022 directing the respondents to

decide the claim of the petitioner. In compliance of the directions issued by this Court, competent authority has passed the order dated 09.11.2022 (Annexure P-5) impugned in the present writ petition whereunder the claim of the petitioner has been adjudicated and declined in the following terms:-

“6. Whereas the perusal of service record of both the officers have revealed that the petitioner (Er. Gobind Ram Sharma) got the benefit of time bound promotional scales after completion of 9/16 years service by treating his induction post as JE-II/Civil whereas his junior belonging to Reserved Category adopted for the above benefit by treating his induction post as AE/AEE and got his pay fixed at much higher stage and in higher scale with higher rate of increment, which facts are reproduced as under:-

(A) In case of petitioner (Er. Gobind Ram Sharma) AEE/Civil Pay Fixed

i. 1st TBPS of Rs. 2000-3500 allowed after completion of 9 years -Rs.2000

Service as JE-II w.e.f. 1/1/1986.

*ii. 2nd TBPS of Rs. 2200-4250 allowed as JE-II w.e.f. =Rs.2580
27/10/1992*

(B) In case of Junior (Er. Lal Chand) AEE/Civil

*i. 1st TBPS of Rs. 12500-19100 allowed after =Rs.12500
completion of 9 yrs service as AE/AEE w.e.f. 09/01/2001.*

*ii 2nd TBPS of Rs. 15800-21100+ 8500 GP after completion
of 16 yrs service as AE/AEE w.e.f. 09/01/2008 now =Rs.38000*

Revised to Rs. 41300-67000+ 9500 GP =Rs.50900

Note:- 1st TBPS of Rs. 2000-3500 was withdrawn vide office order no. 1333 dt. 19/08/2002 and recovery made from his pay due to change in induction post from JE-II/Civil to AE/AEE/Civil.

7. Whereas the petitioner (Er. Gobind Ram Sharma) had earlier got his pay refixed at par with his junior Ranjit Singh JE-II/ Civil w.e.f. 01/03/1994 in terms of

Finance memo no. 43532/Fin PRC 1988 dt. 29/11/2001 and the benefit of this hardship case was allowed to him from the date when he had represented on 04/05/2001. The Petitioner, therefore can seek his 2nd time anomaly only with the same officer in terms of FC19/17 dt. 19/12/17 and not with his junior Er. Lal Chand in the present case.

8. Whereas due to adoption of different induction level posts, it has been found that in case of the petitioner (Er Gobind Ram Sharma) his basic pay on his promotion as AEE/Civil, although fixed at Rs. 30030 with lower grade pay of Rs. 5800, yet the basic pay of his junior (Er. Lal Chand) stands fixed at lower stage at Rs. 28390 with higher grade pay of Rs. 8500 upto 31/12/07. Similarly, the basic pay of the petitioner as on 01/03/2009 has been fixed at Rs. 32220 with grade pay of Rs. 5800 whereas the pay of his junior stands fixed at Rs. 41300 with 9600 GP wef 09/01/2008 due to grant of 2nd TBPS of Rs. 41300-67000+ 9600 GP allowed to him after completion of 16 yrs. Service as AE/AEE as is evident from the facts stated in para 6 (A) and (B). So keeping in view the above facts, the pay of the petitioner (Er. Gobind Ram Sharma) can't be stepped up at par with his junior Er. Lal Chand belonging to the Reserved Category due to adoption of their different induction level posts, as stated above."

Learned counsel for the petitioner submits that the reasons recorded by the competent authority are wrong. He refers to the date of promotion of Lal Chand as AEE-Civil i.e. 09.01.1992. He submits that once Lal Chand had already served for ten years in the feeder cadre his induction post has to be taken as JE and not AE.

I have heard learned counsel for the petitioner and have gone through the records of the case.

The argument raised by the learned counsel for the petitioner is misplaced and deserves to be rejected. After ACP scheme was propounded the

served in the promotional cadre for a considerable long period opted for AE as his induction post whereas the petitioner having served considerably for a long period in the feeder cadre of JE was given induction level of JE. It is on account of this that Lal Chand got pay higher than that of the petitioner.

In view of the aforesaid fact, no infirmity can be found with the reasoning recorded by the competent authority to hold that there is no anomaly. Rather higher pay admissible to Lal Chand is on account of his induction post as AE/AEE.

No ground is made out to interfere in the present Writ Petition. The same is accordingly dismissed.

(PANKAJ JAIN)
JUDGE

March 27, 2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No