

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

**CWP No.6752 of 2019 (O&M)
Date of decision : 01.02.2023**

Gurmeet Singh and others

....Petitioners

Versus

Punjab State Power Corporation Limited and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Manpreet Singh Longia, Advocate
for the petitioners.

Mr. Sukhdeep Singh, Advocate for
for Sahil Sharma, Advocate
for the respondents.

PANKAJ JAIN, J. (ORAL)

The afore-captioned writ petition has been filed under Article 226/227 of the Constitution of India by the petitioners seeking writ in the nature of mandamus directing the respondents to implement the finance Circular No.14/2016 dated 22.09.2016 (Annexure P-16) and re-fix the pay and retiral benefits of the petitioners and further to refund the recoveries effected from the petitioners in terms of aforesaid circular dated 22.09.2016 along with interest @18% p.a. from the date of actual realization.

Petitioners are working as Class-III, Class-IV employees and were initially recruited on Work Charge Basis. Their services were later-on regularized in the time period ranging from the year 1994 to 1999. As per the 1988 Regulation it was notified as under :-

pay scales as that of the regular employees, shall be given the corresponding replacement scale.”

The petitioners were granted regular pay scales w.e.f. 01.01.1986 vide various notifications. However, later on regular pay scale was withdrawn. Now the issue in controversy stands settled by the Apex Court wherein it has been held that the employees are entitled for regular pay scales and any recovery effected from them has to be refunded. Admittedly, the Corporation has also taken a conscious decision to implement the order of Apex Court vide Finance Circular No.14 of 2016 which has been placed on record as Annexure P-16 and in order to implement the same, office order dated 22.09.2016 has been issued. Operative part thereof reads as under :-

“In compliance to the orders dated 17.12.2010 of Hon'ble Punjab & Haryana High Court, Chandigarh in CWP No. 8588/2004 titled Gursewak Singh & others V/s Punjab State Electricity Board & others and keeping in view the decision of Hon'ble Supreme Court of India taken on 20.09.2016 on SLP(C) No. 32240/2011 titled Punjab State Electricity Board now PSPCL & others V/s Kartar Singh & others, SLP(C) No. 32646/2011 titled PSPCL & others V/s Gursewak Singh & others and other connected SLPs. Finance Section memo. No.198871/73/FP-27/WC/Vol.2 dated 12.10.1994 & memo No. 140794/829/FP-27/WC/Vol.III/Loose dated 17.04.2002 are hereby withdrawn. The recoveries if any, already affected may be refunded to the concerned employees.

This issues with the approval of Hon'ble Chairman-cum-Managing Director, PSPCL subject to the ratification by the Board of Directors of PSPCL.”

Consequently, the present writ petition is disposed off in terms of directions to the respondents to consider case of the petitioners as canvassed in the present writ petition in light of law laid down by **Apex Court in SLP (C) No.32240 of 2011** titled as ***Punjab State Elect. Board Now PSPCL Ltd. and others vs. Kartar Singh and others'*** dated 20th of September, 2016 placed on

In case, the petitioners are found to be entitled for grant of pay scales, the same shall be paid to them with arrears within a period of 8 weeks from the date of receipt of certified copy of this order.

(PANKAJ JAIN)
JUDGE

01.02.2023
Pooja sharma-I

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No