

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

105

CWP-19918-2015  
Date of decision: 07.02.2023

MUNSHI RAM AND ORS

..Petitioners

Versus

STATE OF PUNJAB AND ORS

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Pawan Kumar Sharma, Advocate  
for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

Mr. Sumit Gupta, Advocate  
for respondent No.2 and 3.

**ANIL KSHETARPAL, J(Oral)**

**CM-11356-2022**

Allowed as prayed for

Copy of Annexure P-8 is taken on record.

CM stands disposed of.

**Main case**

The petitioners pray for issuance of a writ in the nature of certiorari to quash the order dated 31.01.2015, whereby, the benefit of the first and second time bound higher pay scale granted to them on completion of 9/16 years of services stand withdrawn by the Bhakra Beas Management Board while ordering recovery as a consequence. Though, the case of the petitioners is squarely covered by the detailed judgment passed in the Civil Writ Petition No.10202 of 2016, titled as “**Sant Ram and others Vs. State of Punjab and others, decided on 16.01.2020**”, however, certain relevant facts, in brief, are required to be noticed. The petitioners joined at the post of

T-mate in the year 1989. They were granted the benefit of the first time bound higher pay scale on completion of 9 years in the year 1997. On completion of 16 years of services, the petitioners were granted second time bound higher pay scale some where in the year 2005. In the year 2010, the petitioners did not accept the promotional post offered by the concerned Department. It is on that account thereof the impugned order has been passed by the department.

In **Sant Ram's case (supra)**, the Court after discussing the facts, observed as under:-

*“5. The factum that the petitioners were granted the benefit of first and second time bound higher pay-scale on completion of 9/16 years of service much prior to the date on which their turn for consideration for promotion had come, is not in dispute. It is also not disputed that prior to the grant of benefit of first and second time bound higher pay-scale to the petitioners, the petitioners were neither promoted nor had they refused/foregone their promotion for denying the benefit under these instructions is apparent. The benefit, therefore, stood conferred on them as per the instructions dated 23.04.1990. The factum that the said instructions only deal with the contingency where an employee becomes eligible for consideration for the grant of promotion and foregoes his promotion for denying the benefit under these instructions is apparent. It is, under these circumstances only, that he would not be entitled to the grant of first or second time bound higher pay-scale on completion of 9/16 years of service. The instructions do not envisage or deal with a situation where an employee after having been granted the benefit of first and/or second time bound higher pay-scale, refuses/forgoes his/her promotion at a later stage for empowering withdrawal of such benefit having been granted. If that be so, the plea as taken by the counsel for the respondents that they having foregone their promotion at later stage also would confer a right on the respondents to withdraw the benefit is unsustainable.”*

The learned counsel representing respondent No.2 and 3 failed to draw the attention of the Court to any view taken by the Court to the contrary.

Hence, the writ petition is allowed in terms of judgment passed in Sant Ram's case (Supra).

All the pending miscellaneous applications, if any, are also disposed of.

February 07<sup>th</sup>, 2023

(ANIL KSHETARPAL)  
JUDGE

Ay

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