

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

267

**CWP-17551-2020 (O&M)
Date of Decision: 02.11.2023**

Virender Singh

..... Petitioner

Versus

The Chairman-cum-Managing Director, Uttar Haryana Bijli Vitran Nigam
(UHBVNL), Panchkula

..... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Naveen Daryal, Advocate
for the petitioner.

Mr. Satyam Tandon, Advocate
for the respondent.

VINOD S. BHARDWAJ, J.(ORAL)

1. Challenge in the present petition is to the order dated 28.09.2020 (Annexure P-8) passed by the respondents, whereby the request of the petitioner for grant of salary as Assistant Engineer for the period from 16.11.2006 to 23.10.2008 and for grant of time scale after completion of five years service, was rejected without affording any opportunity of hearing.

2. Counsel for the petitioner contends that even though the representation had been submitted for grant of salary as well as for time scale after completion of five years service, however, he confines his relief to the extent of grant of time scale on completion of five years service, at this stage.

3. It is contended that the respondents passed the aforesaid order on the representation submitted by the petitioner without complying with

the principles of natural justice and without affording an opportunity of hearing to the petitioner. It is strenuously urged that the claim of the petitioner is covered by the judgments passed by this Court.

4. Learned counsel for the respondent, on the other hand, contends that the claim of the petitioner has been duly considered as per the prevailing instructions as well as under Rule 76 of the Haryana Civil Services (Pay) Rules, 2016 and that the petitioner was not entitled to any additional pay for holding any additional duty/ current duty charge. He further submits that the requirement of being a regular service was a pre-requisite for claiming such benefits. Learned counsel for the respondent also contends that for granting the abovesaid benefit of increment on completion of regular service, the same has to be regular satisfactory service and since the petitioner did not fulfill the said criteria, hence, the representation has been rightly declined.

5. Learned counsel for the petitioner submits that the aforesaid provisions are not applicable in the given case since the petitioner is not raising a claim with respect to the grant of salary for the said period and he is confining for the time scale. He further submits that the abovesaid rule is not applicable to the petitioner as the same would apply only to the employees who have joined the service w.e.f. 01.01.2016 and the services of the petitioner would be governed by the erstwhile rules.

6. I have heard learned counsel for the parties.

7. It is not disputed that the order dated 28.09.2020 (Annexure P-8) passed by the respondent has been passed without affording opportunity of hearing to the petitioner.

8. Without commenting on the merits of the case of the respective

parties, lest it may cause any prejudice to either of them, the present petition is disposed of setting aside the order dated 28.09.2020 (Annexure P-8) and with a direction to the respondent to pass a fresh order on the claim of the petitioner, after granting an opportunity of hearing to the respective parties, preferably within a period of four months from the date of receipt of the certified copy of this order.

9. Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

02.11.2023

Satyawan

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No