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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023:PHHC:140417

CWP-18283-2017 (O&M),
DECIDED ON:03.11.2023

1.

SATYAPAL AND ORS.PETITIONERS

VERSUS

MD, UHBVNL AND ANR.RESPONDENTS

2023:PHHC:140418

2.

CWP-24184-2018

SURESH KUMAR AND OTHERSPETITIONERS

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENTS

2023:PHHC:140419

3.

CWP-16850-2018

RADHE SHYAM AND ANRPETITIONERS

VERSUS

THE MANAGING DIRECTOR , DHBVNL AND ANRRESPONDENTS

2023:PHHC:140421

4.

CWP-17919-2020

DHARAMPAL AND ORSPETITIONERS

VERSUS

STATE OF HARYANA AND ORSRESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pankaj Maini, Advocate for the petitioners.

Mr. Sandeep Thakan, Advocate
for the petitioners in CWP-24184-2018.

Mr. Gaurav Jindal, Addl. AG. Haryana.

Mr. Puneet Jindal, Sr. Advocate with
Ms. Navroop Jawanda, Advocate for
respondents No.2 to 5 in CWP-24184-2018.

Mr. Padamkant Dwivedi, Advocate
for respondents in CWP-18283-2017,
CWP-16850-2018, CWP-17919-2020.

SANDEEP MOUDGIL, J (ORAL)

1. By this common order, this Court intends to dispose off all the above-said writ petitions, as common question of law is involved in all the petitions.

2. Just to avoid the repetition, the facts of the case are taken from CWP-18283-2017.

3. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* to quash the notification dated 20.07.2016 (Annexure P-4) vide which the respondents have passed the orders by granting the benefits of revision of pay scales and removing the anomalies of pay scale with a further prayer for issuance of a writ in the nature of mandamus directing the respondents to revise the pay scales of the petitioners in pay scale of 9300-34800 plus 4600 grade pay so that the petitioners could be replaced in the same pay scale, which has been granted to the similarly situated employees working on the post of Superintendent (Field) w.e.f. 01.05.2013.

4. Learned counsel for the petitioners contended that the petitioners are entitled to get a pay scale admissible to them in the pay-band of 9300-34800+4600 grade pay as admissible to the Superintendent (Field) from which the petitioners have retired from the active service in terms of the notification dated 01.05.2013

(Annexure P3) which was withdrawn by the respondents on 18.12.2013. He submitted that the respondents have notified the rules regarding the revision of pay scale on 28.02.2009 according to which the petitioners are entitled to get the pay Scale w.e.f. 01.05.2013.

5. Learned counsel for the respondents submitted that the notification dated 01.05.2013 was held in abeyance vide office order No. 454/SE/HR dated 18.12.2013 (Annexure R-2/1) as per the observations raised by the (HBPE) Finance Department, Govt. of Haryana and in view of the above observations of HBPE, Finance Department Govt. of Haryana, the notification dated 01.05.2013 was finally withdrawn by the Board of Directors of DHBVN vide Olo No. 24/SE/Admn. dated 13.08.2015 (Annexure R-2/2). He further submitted that the notification dated 20.07.2016 which admittedly has been issued in pursuance of the directions given by this Court while disposing of CWP No. 10636 of 2011 vide order dated 07.07.2015 and the proposal regarding change of nomenclature and allowing pay scale to Field Ministerial Cadre at par with Head Office Cadre was considered by the Standing Committee on Public Enterprises in its meeting held on 10.05.2016 and approved to modify the nomenclature and pay scales of posts in the Field Ministerial Cadre at par with Head Office Cadre conveyed by the HBPE vide order dated 16.05.2016 and order dated 13.07.2016 (Annexure R-2/3 and Annexure R-2/4 respectively) and as such the nomenclature was modified and pay scales were allowed to the Circle Assistant/Commercial Assistant/Assistant Accountant, Head Clerk and Circle Superintendent existing in respondent Nigam in the field ministerial cadre at par with Head office ministerial Cadre w.e.f. 16.05.2016 vide order dated 20.07.2016 (Annexure P-2) which came into effect prospectively i.e. w.e.f. 16.05.2016 whereas the petitioners stand retired before 16.05.2016 and thus are not entitled for the said benefits.

6. On the other hand, Mr. Puneet Jindal, learned Sr. Advocate appearing with Ms. Navroop Jawanda and Mr. Padamkant Dwivedi, Advocate appearing for respondents submit that by way of this administrative order, no benefit whatsoever has been taken away and in fact the pay scale in which the petitioners have retired and was getting at that time has been duly retained, but as per revised pay scale their pension is being calculated and disbursed and, therefore, the claim made by the petitioners with the retrospective effect i.e., from 2013 has no consequence, as that order admittedly was ordered to be kept in abeyance and was never given effect, which was also withdrawn by the Board of Directors vide order dated 21.07.2013 and, therefore, the claim set forth on the basis of the decision of the letter dated 01.05.2013 is totally unfounded, baseless and vague having no strength and in fact the nomenclature as well as the pay scales to which the petitioners have entitled under the Service Rules and the revised Pay Scales Rules of 2009 is being duly granted to them even as on date.

7. In the light of above discussions and factual circumstances, it is crystal clear that the learned counsel for the petitioner has failed to demonstrate as to what prejudice has been caused by the notification dated 20.07.2016 (Annexure P-4).

8. In view of the above, all the aforesaid petitions stands disposed of.

9. A photocopy of this order be placed on the files of other connected cases.

(SANDEEP MOUDGIL)
JUDGE

03.11.2023
Meenu

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