

(208)

2023:PHHC:069856

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

**CWP No.24775 of 2015**

**Date of decision : 15.05.2023**

Mohan Singh

...Petitioner

Versus

Punjab State Power Corporation Ltd. and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. A.K. Walia, Advocate  
for the petitioner.

Mr. Puneet Bhandari, Advocate for the respondents.

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**PANKAJ JAIN, J. (ORAL)**

By way of this writ petition filed under Article 226/227 of the Constitution of India, petitioner prays for issuance of a writ in the nature of certiorari directing the respondents to admit the claim of the petitioner for stepping up of his pay over his junior, namely, Nirmal Kaur, Senior Scale Stenographer.

(2) The reasoning afforded by the respondents in their written statement to deny the claim of the petitioner in para nos. 2 and 3, reads as under:-

“2. That the present writ petition is liable to be dismissed on the ground that the Government of Punjab, Department of Finance has issued instructions dated 12.08.2010 with regard to removal of anomaly by stepping up of the pay of senior government employees drawing less pay than their juniors. A copy of the instructions dated 12.08.2010 is appended to the written statement as Annexure P-2 for the kind perusal of this Hon'ble Court. A perusal of

para 2 (c) of the aforesaid instructions would reveal that no relief of stepping up of pay will be given under the aforesaid instructions if the senior employee exercises an option of revised pay scale from a date different than the date of option of the junior employee. In the present case, the petitioner has opted for revised pay scale w.e.f. 01.01.2006 however the said Smt. Nirmaljit Kaur had opted for revised pay scale w.e.f. 25.10.2006. Meaning thereby that there is different date of option between these two employees therefore petitioner cannot equate his case with that of Nirmaljit Kaur.

3. That the present writ petition is liable to be dismissed on the ground that as per para 2 (c) of Instructions dated 12.08.2010 (Annexure R-2), the pay of the senior employee may be stepped up if the senior and junior employee had exercised the option for revised pay scale under different clauses of Regulation 11 of Punjab Civil Services (Revised Pay) Rules, 2009. The senior employee may get his pay re-fixed as he had exercised the option under the same clause of Regulation 11 of 2009, Regulations as has been exercised by the junior employee. It is humbly submitted that Respondent-Department has also framed Punjab State Electricity Board (Revised Pay) Regulations, 2009 (herein after referred to as 2009 Regulations) which corresponds with the Punjab Civil Services (Revised Pay) Rules, 2009. However in the present case, both the petitioner and Smt. Nirmaljit Kaur exercised their option for revised pay scales under the same clause of regulation 11 of Punjab State Electricity Board (Revised Pay) Regulations, 2009 (herein after referred 2009 Regulations) dated 15.10.2009. Therefore the claim of the petitioner regarding stepping up of pay cannot be accepted as the same is in violation of the Government instructions and regulations.”

(3) Mr. Walia, learned counsel representing the petitioner does not dispute that as per the instructions relied upon by counsel for the respondents, the petitioner would not be entitled for stepping up of pay as claimed and there is no challenge raised to the instructions.

4. In view of the above, no ground is made out to interfere in the present writ petition and the same is hereby dismissed.

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|---------------------------|---|---------------|
| May 15, 2023              |   | (Pankaj Jain) |
| Anjal                     |   | Judge         |
| Whether speaking/reasoned | : | Yes/No        |
| Whether reportable        | : | Yes/No        |