IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-29021-2017
Date of decision : 01.02.2023

Ram Milan and others ....Petitioners

Versus

Punjab State Power Corporation Limited and another ....Respondents

CWP-15907-2018

Rajesh Kumar and another ....Petitioners

Versus

Punjab State Power Corporation Limited and another ....Respondents

CWP-7507-2019

Surjit Singh and others ....Petitioners

Versus

Punjab State Power Corporation Limited and another ....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Gaurav Rana, Advocate for
for the petitioners (in all cases).

Mr. Vaibhav Narang, Advocate and
Mr. Devansh Khanna, Advocate
for the respondents.

Mr. Sukhdev Singh, Advocate for
Mr. Sahil Sharma, Advocate
for PSPCL in CWP-7507-2019.

Mr. Subhash Chand, Advocate for
Ms. Monica Chibber Sharma, Advocate
for PSPCL in CWP-29021-2017.

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PANKAJ JAIN, J. (ORAL)

The afore-captioned writ petitions have 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 pay them at par with regular employees w.e.f. 1st of January, 1986 and to refund the amount recovered from them along with interest @ 18% per annum from the date of approval till the date of actual realization in terms of decision rendered 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 record as Annexure P-15.

2. 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 :-

> "The work charged employees who were drawing the identical pay scales as that of the regular employees, shall be given the corresponding replacement scale."

3. The petitioners were granted regular pay scales w.e.f. 1st of June, 1986 vide various notifications. However, later on the same was withdrawn.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,

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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 R1/1 and in order to implement the same, office order dated 5th of July, 2019 has been issued. Operative part thereof reads as under :-

> "Those employees who have not been given the scale corresponding to regular employees will give request for notional fixation of pay w.e.f. 1.1.86 or who have already given their request application with diary number shall be pasted in their service records.
>
> In view of above those W/C workers who are already getting regular scale before the issue of this office order shall not be affected.
>
> Those W/C workers whose pay was reduced, in comparison to regular employee after submitting their request their pay be fixed on notional basis and arrear of 36 months will be given to them from date of the submitting request.
>
> Those W/C workers have been retired and if any recovery is made from them the same shall be refunded.
>
> Those W/C workers have been retired while drawing less pay in comparison to regular scale their pay shall be re-fixed w.e.f. 1.1.86 on notionally basis after received their request and increased pay shall be considered deemed to be drawn as per Punjab CSR Rule no.24.2."

4. Consequently, the present writ petitions are disposed off in terms of directions to the respondents to consider case of the petitioners as canvassed in the present writ petitions in light of law laid down by Apex Court in **Punjab State Elect. Board Now PSPCL Ltd. and others vs.**

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Kartar Singh and others (supra).

5. 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.

6. A copy of this order be kept on the files of other connected cases.

February 01, 2023 **(PANKAJ JAIN)**
Dpr **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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