

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

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CWP No.20839 of 2017

Reserved on : 22.02.2024

Pronounced on : 12.03.2024

Jaswinder Singh

..... Petitioner

Versus

Punjab State Power Corporation Ltd.

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. B.S. Patwalia, Advocate with
Mr. Abhishek Masih, Advocate
for the petitioner.

Mr. Hittan Nehra, Advocate for the respondent.

NAMIT KUMAR, J.

1. The petitioner has approached this Court by way of filing the instant petition under Article 226 of the Constitution of India seeking writ in the nature of *Certiorari* to set aside the decision/resolution dated 11.08.2017 of the PSPCL Board of Directors, conveyed by the Company Secretary of PSPCL to Chief Engineer/M.M. PSPCL, Patiala, by U.O. No.2055/BOD-58.13/2017/PSPCL dated 25.08.2017 (Annexure P-2), whereby the Agenda No.486 dated 17.07.2017 placed before the Board of Directors, for consideration on the same lines in an earlier accepted/ approved Agenda No.1 dated 02.11.2016, in case of another identically situated employee, was rejected without assigning any reason with further prayer to direct the respondent to grant pay to the petitioner at par with a junior employee of the petitioner namely Maninder Kaur, who is in the cadre of LDC, alongwith all consequential benefits w.e.f. 17.06.2006 i.e. the date, when said junior employee began started drawing higher pay than the petitioner.

2. The brief facts leading to the filing of the present petition, as have

been pleaded in the writ petition, are that the petitioner had joined the service of PSEB on the post of LDC on 13.06.1997 alongwith other employees and the *inter se* seniority between the petitioner and other employees in the cadre of LDC, is as under:

Lovedeep Kumar	9272
Jaswinder Singh (Petitioner)	9311
Maninder Kaur	9378
Harpreet Singh	9407

3. The precise grievance of the petitioner is that his senior namely Lovedeep Kumar, who had presented a case of financial hardship *vis-a-vis* his Junior Harpreet Singh, who is also junior to the petitioner, to protect his pay and allowances at par with the said employee-Harpreet Singh, was considered and accepted by the respondents, whereas, on the same analogy, relief sought by the petitioner to protect his pay and allowances at par with his junior namely Ms. Maninder Kaur has been declined by the respondents, which is contradictory to the right to equality, since the same has been considered by the authority in a whimsical, pick and chose manner between the employees.

4. Learned counsel for the petitioner submits that the petitioner had joined the respondent-Corporation as L.D.C on 13.6.1997. Subsequently, the petitioner participated in a process of recruitment for direct appointment to the post of Steno-Typist and was appointed as such on 01.04.2003. Learned counsel cites the instance of a similarly situated employee/colleague of the petitioner, namely Lovedeep Kumar, who was also earlier serving as L.D.C and came to be recruited by way of direct appointment in the cadre of Steno Typist. The said Lovedeep Kumar, after joining as a Steno Typist, raised a claim seeking pay parity with his junior namely Harpreet Singh in the cadre of L.D.C and such claim was accepted by the respondent Corporation. The grievance raised in the instant

petition is that identical claim set up by the present petitioner has been declined vide resolution dated 11.8.2017, of the Board of Directors of the respondent Corporation, which is impugned in the present petition.

5. *Per contra*, learned counsel for the respondent opposed the claim of the petitioner, while referring to the written statement and submitted that the claim of the petitioner has rightly been rejected as he was not entitled for the same.

6. Petitioner has filed replication and reiterated the averments made in the writ petition.

7. I have heard learned counsel for the parties and perused the record.

8. Admittedly, similar claim of pay parity of Sh. Lovedeep Kumar with his junior employee namely Harpreet Singh, who is also junior to the petitioner, has been accepted by the respondent Corporation who was getting higher pay, however, similar claim of the petitioner for pay parity with his immediate Junior namely Maninder Kaur, has been rejected by the respondent – Corporation without assigning any reason, therefore, the action of the respondent in considering and deciding the respective claims in a pick and chose manner, is illegal, arbitrary and contrary to the Right to Equality, as enshrined under Article 14 and 16 of the Constitution of India particularly when the same is cryptic and non-speaking *sans* any justification, therefore, the impugned order dated 11.08.2017 passed by the PSPCL-Board of Directors is liable to be set aside.

9. Consequently, the present petition is allowed. The impugned resolution dated 11.08.2017 (Annexure P-2) is set aside. The respondent - Corporation is directed to fix the pay of the petitioner at par with his junior namely Maninder Kaur w.e.f. 17.06.2006 i.e. the date, when said junior employee began started drawing higher pay than the petitioner. Let necessary exercise be carried out by the respondent, within a period of three months from the date of receipt of

certified copy of this order and release the same alongwith consequential benefits to the petitioner.

12.03.2024
R.S.

(NAMIT KUMAR)
JUDGE

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