



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

**Sr. No. 236**

**CWP-22729-2021 (O&M)**

**Date of Decision:21.10.2024**

**Balwan Singh**

**...Petitioner**

**VERSUS**

**Uttar Haryana Bijli Vitran Nigam Limited and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**Present: Mr. Shivam Malik, Advocate for the petitioner.**

**Mr. Rajesh Gaur, Advocate for the respondents.**

**JASGURPREET SINGH PURI, J.(ORAL)**

1. The present petition has been filed under Article 226 of the Constitution of India for quashing of the impugned order dated 19.09.2018 (Annexure P-4) passed by respondent No.2, vide which claim of the petitioner for stepping up of his pay with the pay of respondent No.6, who is junior to the petitioner, has been rejected.

2. Learned counsel for the petitioner has submitted that the petitioner has been denied the benefit of ACP and his junior has been granted higher pay. He further submits that the impugned order dated 19.09.2018, which is non-speaking order, has been passed wherein the petitioner has been denied the aforesaid benefit. He also submits that now the matter for fixation of pay has been revived and submitted that in case the petitioner has been denied the benefit, a speaking order has to be passed by the respondents by giving the entire facts.

3. On the other hand, learned counsel for the respondents has supplied a copy of detailed chart to explain as to how the petitioner has been denied the benefit of stepping up of pay. Learned counsel for the respondents



has submitted that it is correct that in the impugned order (Annexure P-4), which is not reasoned order and now he has supplied a list of entire chart of both i.e. the petitioner and respondent No.6 and liberty may be granted to the respondents-competent authority to pass a speaking order in accordance with law by affording an opportunity of hearing.

4. Mr. Malik, learned counsel for the petitioner has submitted that the petitioner is also entitled for the benefit of ACP in view of law laid down by Hon’ble Supreme Court of India in *2007(2) S.C.T. 476, titled as Commissioner and Secretary to Govt. of Haryana and others vs. Ram Sarup Ganda and others, (Annexure P-2)* and has also submitted that when speaking order is to be passed, then the aforesaid judgment may also be kept into consideration by the respondents.

5. In view of the above, the present petition is partly allowed and the impugned order dated 19.09.2018 (Annexure P-4) is hereby set aside and respondent No.2-Superintending Engineer/competent authority is directed to pass a detailed order by giving the entire facts as to how the petitioner has been denied especially in the light of judgment of Hon’ble Supreme Court in *Commissioner and Secretary to Govt. of Haryana and others’ (supra)* by affording an opportunity of hearing to the petitioner or his counsel, and a fresh order be passed after due application of mind, within a period of four months from today.

( JASGURPREET SINGH PURI )  
JUDGE

21.10.2024  
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| Whether speaking/reasoned? | Yes/No |
| Whether reportable?        | Yes/No |