



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

253+114

Date of decision : 25.11.2024

(i)

CWP-25405-2023

Vipul Choudhary and Ors

.....Petitioner

V/S

Punjab State Power Corporation Ltd and Ors

.....Respondents

(ii)

CWP-12192-2024

Talwinder Singh and Others

.....Petitioner

V/S

Punjab State Power Corporation Ltd and Ors

.....Respondents

(iii)

CWP-26365-2023 (O&M)

Mohd. Dilshad Umer and Others

.....Petitioner

V/S

Punjab State Power Corporation Ltd and Ors

.....Respondents

(iv)

CWP-28487-2023

Amandeep Sharma and Others

.....Petitioner

V/S

Punjab State Power Corporation Ltd and Ors

.....Respondents

(v)

CWP-325-2024 (O&M)

Sachindeep Saini and Others

.....Petitioner

V/S

Punjab State Power Corporation Ltd and Ors

.....Respondents



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(vi)

CWP-454-2024

Manoj Kumar and Others

.Petitioner

V/S

Punjab State Power Corporation Ltd and Ors

.Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. B.S. Patwalia, Advocate with
Mr. Gaurav Jagota, Advocate for the petitioners
in CWP-25405-2023 & CWP-12192-2024.

Mr. Armaan Dahiya, Advocate for
Mr. Kannan Malik, Advocate
for the petitioners in CWP-28487-2023.

Mr. Umesh Aggarwal, Advocate with
Mr. Rajesh Kataria, Advocate
for the petitioners in CWP-454-2024.

Mr. Nikhil Anand, Advocate for the petitioners
in CWP-26365-2023 & CWP-325-2024.

Ms. Saguna Arora, A.A.G. Punjab.

Ms. Sehaj Sandhawalia, Advocate
for the respondents-PSPCL in CWP-454-2024.

Mr. Ashish Verma, Advocate
for the respondents-PSPCL in CWP-28487-2023.

Mr. Gagneshwar Walia, Advocate
for the respondents-PSPCL in CWP-25405-2023.

Ms. Harpriya Khaneka, Advocate
for the respondents-PSPCL in CWP-12192-2024,
CWP-325-2024 & CWP-26365-2023.

NAMIT KUMAR, J. (ORAL)

CM-6501-CWP-2024 in CWP-325-2024 and
CM-6502-CWP-2024 in CWP-26365-2023

Prayer in the instant applications filed under Section 151 of



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CPC is for placing on record replication to the written statement filed on behalf of respondents No.1 & 2.

Allowed as prayed for.

Main cases

1. Written statement on behalf of respondents No.1 and 2 in CWP-28487 of 2023 has been filed in the Court, which is taken on record. Copy thereof has been supplied to learned counsel for the petitioners.
2. This order shall dispose of all the above-said writ petitions, as common question of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-25405-2023 tilted as 'Vipul Choudhary and others Vs. Punjab State Power Corporation Ltd and others'
3. The instant petition has been filed by the petitioners claiming the following relief :-

“(i) to issue an appropriate writ, order or direction including a writ in the nature of Certiorari quashing the financial circular No.06/2020 dated 28.7.2020 (Annexure P-4) issued by the Respondents to the extent that the same makes applicable the new pay scales as per the Central pattern applicable on the petitioners in total contravention to the conditions of the advertisement dated 5.9.2019 (Annexure P-1) which contemplated the pay scales to the petitioners on the basis of Punjab Pay Commission and the same also being in contravention to the letter/notification dated 17.7.2020 (Annexure P-3) issued by the Government of Punjab clearly indicating that the Central Pay Scales would be only applicable to all prospective recruitment.

(ii) to issue an appropriate writ, order or direction including a writ in the nature of Certiorari quashing the



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letter dated 22.6.2023 (Annexure P-9) issued by the Respondent No.3 vide which after successful completion of probation period Central pay scales are being made applicable on the petitioners and the said fact being in total contravention to the conditions of the advertisement as well as the fact that the recruitment of the petitioners was initiated in the year 2019 and as per the letter/notification dated 17.7.2020 (Annexure P-3) the said scales cannot be made applicable to the petitioners.

(iii) to issue an appropriate writ, order or direction including a writ in the nature of Certiorari quashing Clause 2 of the appointment orders of the petitioners vide which in total contravention to the conditions of the advertisement the New Central Pay Scales are being made applicable to the petitioners thereby reducing their salaries and the said action being completely arbitrary, illegal and in violation of Article 14 of the constitution of India in so much so that all LDC (Lower Divisional Clerks) appointed prior to 17.7.2020 are still getting salary according to the recommendation of the Punjab Pay Commission and as per Punjab pattern.

(iv) to issue an appropriate writ, order or direction including a writ in the nature of Certiorari quashing the letter dated 12.10.2023 (Annexure P-10) vide which the respondents in a completely illegal and arbitrary manner and in total contravention to the conditions of the advertisement for grant of pay scales as per Punjab pattern are making applicable the pay scale on the pattern on the Central Pay Commission.

(v) to issue an appropriate writ, order or direction including a writ in the nature of Mandamus directing the respondents to fix the pay of the petitioners in the pay scale as advertised by the Respondents in the advertisement dated 5.9.2019 (Annexure P-1) i.e., 6400-20200+3400 grade pay as per the Punjab Pay Commission and to further fix the pay of the petitioners in the revised pay scales as per the recommendation of the 6th Punjab Pay Commission duly adopted by the Respondents and accordingly fixed the pay of the petitioners as per the Punjab State Power Corporation Ltd. (Revised Pay) Regulations, 2021.



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(vi) to issue an appropriate writ, order or direction including a writ in the nature of Mandamus directing the respondents that after fixing the pay of the petitioners as per the Punjab Pay Commission in the scale of 6400-20200+3400 grade pay to grant them full pay allowances and all other admissible benefits for the period spent on probation keeping in view the decision of this Hon'ble Court in Ajay Kumar Singla and others Versus State of Punjab and others being CWP No.17064 of 2017 decided on 16.2.2023 and a consequence thereof with a prayer to quash the condition in the appointment orders of the all the petitioners indicating the grant of minimum pay during the period of probation."

4. Learned counsel for the parties are ad idem that the relief prayed by the petitioners from Clause (i) to (iv) have been satisfied in view of the Finance Circular No.29 of 2024 dated 29.07.2024, whereby the following decision has been taken :-

"RESOLVED THAT pay scales as per 5th and 6th Pay Commission of Punjab as applicable to PSPCL employees be granted to those employees who joined service of PSPCL on or after 17.7.2020 recruited under CRA 293/19, 294/19 and 296/19 treating them at par with those who joined service before 17.7.2020 recruited under same CRA's."

5. Learned counsel(s) for the petitioners submits that the relief claimed in Clause (vi) is covered by the judgment of Division Bench of this Court in **CWP No.17064 of 2017 titled as 'Ajay Kumar Singla and others Vs. State of Punjab and others'** and other connected cases decided on 16.02.2023 and the said judgment has been impugned before the Hon'ble Supreme Court in SLP (Civil) Diary No.44844 of 2023 titled as 'State of Punjab and others Vs. Ankush Goyal and another', wherein notice has been issued and it has further been ordered



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that operation and implementation of the impugned judgment shall remain stayed.

6. In this view of the matter, no directions are required to be given in the present petitions and the same are disposed of accordingly.

7. However, it is made clear that if SLP (Civil) Diary No.44844 of 2023 is decided in favour of the employees then the petitioners shall be at liberty to move an appropriate representation to the respondent-Corporation for claiming the said benefit after the decision of the Hon’ble Supreme Court and the same shall be considered and disposed of by the respondent-Corporation within a period of 02 months from the date of receipt of the said representation, in accordance with law.

25.11.2024

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**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No