

**LPA-2712-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****Sr. No.106****LPA-2712-2024 (O&M)****Date of decision: 07.11.2024**

Uttar Haryana Bijli Vitran Nigam Limited and others

....Appellants

Versus

Anil Kumar Nadwani and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Mohnish Sharma, Advocate
for respondent No.1.

* * *

DEEPAK SIBAL, J. (Oral)

1. On 27.10.1977, respondent No.1 joined as a Shift Attendant in the Haryana State Electricity Board (now Uttar Haryana Bijli Vitran Nigam Limited) (for short – the 'Nigam'). His appointment was on *ad hoc* basis. His services were regularized w.e.f. 07.01.1978. He was promoted as Assistant Sub Station Attendant on 09.08.1982 and on 16.03.1990 he was further promoted as a Sub Station Attendant. Thereafter, on 26.11.2010 he was promoted as a Junior Engineer from which post he retired on 31.08.2018. Through several representations made to the Nigam respondent No.1 sought stepping up of his pay with his junior counterpart-respondent No.2. Through an order dated 31.05.2019, the Nigam rejected the respondent No.1's claim.

Such rejection was challenged by him through filing of a writ petition.

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2. In response to the notice issued in respondent No.1's petition, the appellant – Nigam filed a written statement accepting his plea with regard to stepping up of his pay from the date his junior-respondent No.2 was in receipt of higher pay than him. However, arrears with regard to grant of such benefit were restricted to 03 years prior to the date of the first representation made by respondent No.1 through which he sought stepping up of his pay.

3. After considering the rival submissions made before him, a learned Single Judge of this Court relying upon a judgment of this Court dated 18.11.2008 passed in CWP-5956-2008 – Charan Dass vs. State of Haryana held respondent No.1 to be entitled to the arrears from the date his junior counterpart was in receipt of higher pay than him. Grant of arrears to respondent No.1 03 years beyond the date when respondent No.1 had first represented for stepping up of his pay has been challenged by the Nigam through the instant intra court appeal.

4. When the matter came up for hearing, we were informed that in terms of the impugned judgment, arrears amounting to Rs.3,01,036/- already stood disbursed by the Nigam to respondent No.1.

5. Respondent No.1 retired over 06 years ago. The grant of arrears by the learned Single Judge, which have been challenged through the instant appeal, already stands disbursed to respondent No.1. There is also a delay of 233 days in filing of the present appeal by the Nigam and it is during this period that the Nigam, in compliance with the impugned judgment, disbursed the arrears to respondent No.1. In these peculiar facts, at this



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stage, we are not inclined to interfere with the impugned judgment. Therefore, the instant appeal is dismissed. However, the issue raised through the same is kept open.

6. All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

November 07, 2024
Jyoti 1

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No