



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-5472-2023

Date of Decision: 23.12.2025

SURINDER SINGH

.....PETITIONER

Vs.

THE PUNJAB STATE POWER CORPORATION LIMITED AND
ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Jaidka, Advocate for the petitioner.

Ms. Raina S. Thakur, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 08.12.2022 (Annexure P-5). Further prayer has been made for issuance of a writ in the nature of mandamus directing the respondent authorities to act in line as per settled law by the Hon'ble Apex Court and to step up the pay and pension (w.e.f. 18.02.2009 i.e. the date of catching up) of the petitioner who is a general category employee and had finally managed to catch up at par with his junior colleague who happened to gain promotions prior in time by virtue of being an employee from the reserved category.

2. Learned counsel for the petitioner *inter alia* submits that respondents-corporation in his written statement has admitted that



petitioner was senior to one Sh. Sukhdev Singh at the time of entering into the service being meritorious. The aforementioned Sh. Sukhdev Singh belong to reserve category and has been granted promotion. Thus a pay anomaly has arisen by not granting the petitioner benefit of catching up. There is no denial to the fact that Sh. Sukhdev Singh joined the service of the Corporation as a junior to the petitioner. He is also found mentioned in the impugned order (Annexure P-5). It is settled law that seniority has to be determined on the basis of merits at the time of selection. Sh. Sukhdev Singh got promotion in service prior in time to the petitioner being an employee from the reserved category. Consequently, with the passage of time the basic pay of Sh. Sukhdev Singh become higher than the petitioner which has affected the pension of the petitioner as well. Petitioner was entitled to the benefit of catching up with Sh. Sukhdev Singh when the petitioner was promoted as AEE on 07.11.2005. Thereafter, petitioner was again able to catch up with Sh. Sukhdev Singh when he was promoted AEE on 18.02.2009. However, respondents have not stepped up the pay of the petitioner and brought at par with Sh. Sukhdev Singh and the rejection of claim of the petitioner is also in contravention to the circulars of the respondents-corporation (Annexures P-2 and P-3). Further in Para No.6 of the impugned order the respondents-Corporation has admitted the fact that the amount of the pension of the petitioner is lower than Sh. Sukhdev Singh. The impugned order has been passed contrary to settled law and also in violation of the instructions (Annexures P-2 and P-3).



3. *Per contra*, learned counsel for respondent-Corporation submits that the principle of catching up have been adopted by the respondent-Corporation after the pronouncement of the judgment by Hon'ble Apex Court in ***Ajit Singh Janjua and Others Vs. State of Punjab and Others, (1996) 2 SCC 715***. In reference to the last para of the impugned speaking order dated 08.12.2022 (Annexure P-5), he submits that claim of the petitioner is rejected particularly on the grounds that the petitioner has already been getting pay and pension on higher side as compared to junior Sh. Sukhdev Singh. Further, there is no increasing the pension beyond the date of his retirement.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. It transpires that while passing the speaking order, the particulars of the pay as well as the pension drawn by either the petitioner or junior Sh. Sukhdev Singh have not been given. As such, to adjudicate the controversy the relevant service record of the petitioner and his junior Sh. Sukhdev Singh is required to be perused.

6. In compliance with the order dated 20.03.2025 passed by this Court in CWP No. 7727 of 2025 titled ***Paramjit Kaur vs. State of Punjab and others***, the Government of Punjab has constituted an Empowered Committee vide letter dated 16.04.2025. The said Committee was established under the Punjab Dispute Resolution & Litigation Policy, 2020, which aims to encourage the swift resolution of disputes, reduce future litigation, and address the considerable backlog faced by the Courts.



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7. In view of the above, the present petition is disposed of in the following terms:

i. The Empowered Committee constituted under the Punjab Litigation Policy is hereby directed to treat the present writ petition as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the petitioner shall be at liberty to submit a detailed representation setting out his claim within a period of two weeks from the date of receipt of a certified copy of this order.

ii. The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner within a period of four months from the date of receipt of a certified copy of this order, or from the date of receipt of the representation of the petitioner, as the case may be. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted to him forthwith.

8. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.12.2025

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