**361**

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

1. RSA-1374-1996 (O&M)
Date of decision: 08.05.2025

Punjab State Electricity Board and another ...Appellants

Versus

Piara Singh ...Respondent

2. RSA-1375-1996 (O&M)
Date of decision: 08.05.2025

Punjab State Electricity Board and another ...Appellants

Versus

Kartar Chand ...Respondent

3. RSA-1376-1996 (O&M)
Date of decision: 08.05.2025

Punjab State Electricity Board and another ...Appellants

Versus

Mohinder Singh ...Respondent

4. RSA-1377-1996 (O&M)
Date of decision: 08.05.2025

Punjab State Electricity Board and another ...Appellants

Versus

Joginder Singh ...Respondent

5. RSA-1378-1996 (O&M)
Date of decision: 08.05.2025

Punjab State Electricity Board and another ...Appellants

Versus

Sohan Singh ...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Ashwani Talwar, Advocate and
Mr. Deepak Goyat, Advocate and
Mr. Nikhil Sehrawat, Advocate and
Mr. Gandharv Malhotra, Advocate for the appellants.
(In all the cases)

Mr. R.K. Arora, Advocate for the respondent
(In all the cases)
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**VIKAS BAHL, J. (ORAL)**

1. The present order would dispose of five RSAs i.e., RSA Nos.1374 to 1378 of 1996. All the RSAs have been filed by the Punjab State Electricity Board through its Chairman/Secretary, The Mall, Patiala and Executive Engineer, Mahilpur, who were defendant Nos.1 and 2 in the suit. Challenge in the all the said five RSAs is to the common judgment dated 08.04.1995 passed in five appeals vide which the First Appellate Court had allowed all the said appeals filed by the respondents-plaintiffs.

2. Relevant details of the plaintiffs in the five suits are given in the form of chart (which has been prepared and handed over by the learned counsel for the appellants and has not been disputed by the counsel for the respondents) which is reproduced hereinbelow:-

| **Sr. No.** | **RSA No.** | **Name of Plaintiff** | **Date of joining as ALM** | **Date of promotion as Lineman** |
|---|---|---|---|---|
| 1. | 1374 of 1996 | Paiara Singh | 26.08.1965 | 12.10.1970 |
| 2. | 1375 of 1996 | Kartar Chand | 26.08.1965 (pg 4 of Sub Judge) | 12.10.1970 |
| 3. | 1376 of 1996 | Mohinder Singh | 12.11.1965 (para 6 internal pg 4) | 12.10.1970 |
| 4. | 1377 of 1996 | Joginder Singh | 26.08.1965 (internal pg 4 para 7 of Sub Judge) | 12.10.1970 |
| 5. | 1378 of 1996 | Sohan Singh | 26.08.1965 (Para 7 internal pg 4) | 12.10.1970 |

3. The abovesaid five plaintiffs had filed five separate suits and in each of the said suits, similar prayer was made which was for declaration to the effect that the plaintiffs were entitled to the scale of Rs.2000-3500/- being, second time bound scale, to be allowed after completion of 16 years of service as per the Circulars issued by defendant No.1/appellant No.1 and in all the said cases, consequential relief for mandatory injunction directing the defendants to release the said scale to the plaintiffs w.e.f. 01.01.1986 along with all consequential benefits was prayed. Importantly in all the plaints, it was specifically pleaded that the persons who were juniors to the plaintiffs namely Sarvshri Manjit Singh, Charan Singh and Jungbir Singh who had joined as Linemen on 27.10.1970, 01.11.1970, 16.10.1973 respectively were allowed the second time bound scale of Rs.2000-3500/- after completion of 16 years of service.

4. All the five suits were dismissed by the trial Court. Five appeals were filed by the five plaintiffs which were allowed by a common judgment dated 08.04.1995 passed by the First Appellate Court. Relevant portion of the said judgment is reproduced hereinbelow:-

> *"19. The appeals are, as such, allowed and the judgments and decrees of the trial Court are set aside and the suits filed by the plaintiffs are decreed to the effect that plaintiffs are entitled to the grant of first time bound promotional scale of Rs.1640-2925 w.e.f. 1.1.86 and the second time bound promotional scale of 2000-3500 w.e.f. 1.1.1989 and the defendants are directed to refix the pay of the plaintiffs in the First and Second time bound scales with effect from 1.1.1986 and 1.1.1989, respectively, and* ***in case after fixing their pays in the first and second time bound scales, it is found that the***

***pay of the plaintiffs is less than that payable to their juniors, the Board would step up their pays to the level of their juniors with effect from 1.5.90. In terms of circular No.34 of 1994 reproduced above.*** *The parties are, however, left to bear their own costs.*

*Announced.* *Sd/- District Judge,*

*April 8,1995* *Hoshiarpur, 8.4.95"*

5. Learned counsel for the appellants, in all the appeals, has submitted that the impugned judgment of the First Appellate Court deserves to be modified and at best, the pay of the respondents-plaintiffs could be stepped up to the level of their juniors w.e.f. 01.05.1990 in accordance with Finance Circular No.34 of 1994. It is submitted that the First Appellate Court had granted the relief beyond the same which deserves to be modified. Learned counsel for the appellants has referred to Finance Circular No.34 of 1994 which is reproduced hereinbelow:-

*"**Finance Circular No.34/94.***

*Issued vide memo No.153008/153713/FP-1/Vol.2 Dated: 19.7.1994.*

***Sub: Removal of anomaly by stepping-up the pay of a Senior employee drawing pay less than a Junior employee with his junior.***

*The Board vide its circular memo No.116493/117293/FP-1/ Vol.II dated 1.6.94 have issued instructions for the removal of anomalies arisen* ***due to grant of Compensatory increments as well as 9/16 years time bound promotional/devised promotional scales****. In both the cases the pay of the Senior employee would be fixed/stepped-up to the level of his junior w.e.f. 24.3.1994.*

*2.* ***The matter has been reconsidered by the Board and it has been decided that the pay of the senior employee would be***

> ***fixed notionally from the date of arisen of anomaly. The pay of the senior employee shall be stepped to the level of the Junior w.e.f. 1.5.90 for the cases pertaining to the period prior 1.5.90 and thereafter from the date of occurance of anomaly.***
>
> *3. The other terms and conditions contained in the circular letter referred in para-1 would remain intact."*

6. It is submitted that the said Circular No.34 has also been reproduced by the First Appellate Court in para 15 of the judgment and it is the said Circular which governs the case of all the plaintiffs.

7. Learned counsel for the respondents has submitted that in view of the said Circular, the present appeals be disposed of with the modification to the effect that the pay of the plaintiffs would be stepped up equivalent to that of their juniors mentioned in para 14 of the judgment of the First Appellate Court w.e.f. 01.05.1990 and has further submitted that since the plaintiffs have been litigating since year 1991 and the execution of the judgment of the First Appellate Court had been stayed thus, direction be given to the appellants to refix the pay as well as pensionary benefits and release the arrears in a time bound manner.

8. Learned counsel for the appellants has fairly submitted that the entire exercise would be done as expeditiously as possible and the amount to which the respondents are found entitled to, would be released to them within a period of four months from today.

9. A perusal of the Finance Circular No.34 of 1994 would show that the decision had been taken by the Board to the effect that the pay of the senior employee would be fixed notionally from the date of arising of

anomaly and the pay of the senior employee would be stepped up to the level of their juniors w.e.f. 01.05.1990 for the cases pertaining to the period prior to 01.05.1990. It is not in dispute that all the cases of the plaintiffs in the present case are with respect to the period prior to 01.05.1990 and that the said Circular is fully applicable to the case of the plaintiffs. It is also not in dispute that the juniors to the plaintiffs, the details of which have been mentioned in para 14 of the judgment of the First Appellate Court, were drawing the pay more than that of the plaintiffs from the dates mentioned in para 14 of the judgment of the First Appellate Court. It would be further relevant to note that from the facts and circumstances of the case, it has come about that the respondents-plaintiffs were entitled to refixation of the consequential benefits as per the Finance Circular No.34 of 1994, which has not been paid to them for all these years on account of there being an interim order in favour of the appellants. Since even appellants cannot be faulted for not having made the payment on account of an interim order in their favour, thus, in the said facts and circumstances, it would be in the interest of justice if the amount is released to the respondents along with interest at the rate of 6% per annum from the date of accrual to the date of payment.

10. Keeping in view the abovesaid facts and circumstances and fair stand taken on behalf of the appellants as well as respondents in all the cases, the present appeals are partly allowed and the judgment and decree of the First Appellate Court is modified with the following observations/directions:-

i) The pay of all the five plaintiffs in all the five suits would be stepped up equivalent to their juniors, the details of which have been given in para 14 of the judgment of the First Appellate Court w.e.f. 01.05.1990 and the appellants would refix the pay and pensionary benefits of the plaintiffs as expeditiously as possible and would release the arrears and the amount due to the plaintiffs in pursuance of the said refixation. The entire exercise would be done by the appellants within a period of four months from today.

ii) It is clarified that the amount which is found due towards the plaintiffs would also include interest at the rate of 6% per annum from the date of accrual to the date of its payment.

11. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

**08.05.2025** **(VIKAS BAHL)**
*Pawan* **JUDGE**

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

**Whether reportable:-** **Yes/No**