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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19386-2025 (O&M)
Date of decision: 28.08.2025

Tanvir Singh

... Petitioner

Vs.

Punjab State Power Corporation Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Surinder Kumar, Advocate for
Mr. Surinder Sharma, Advocate
for the petitioner.

Mr. Hunarveer Sharma, Advocate
for the respondents.

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<u>HARPREET SINGH BRAR, J. (ORAL)</u>

1. 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 *mandamus* directing the respondents to fix the basic pay of the petitioner as Rs.35,400/- w.e.f. February, 2025, which was reduced to Rs.23,500/- without issuing any notice and further not to recover the amount from the petitioner, as the respondents started recovery from 04.05.2022 to February, 2025.

2. The grievance raised by the petitioner in the present petition is

with regard to revision of his basic pay along with recovery of excess amount w.e.f. 04.05.2022 to February, 2025.

3. Learned counsel for the petitioner submits that the respondents cannot reduce the basic pay of the petitioner and cannot recover the amount from his salary in view of the judgment rendered by the Hon'ble Supreme Court in ***State of Punjab Vs. Rafiq Masih, 2015 (1) SCT 193.***

4. Short reply by way of affidavit of Hardeep Kumar, Additional S.E. DS Division, PSPCL, Phagwara dated 21.07.2025, filed on behalf of the respondents, is available on record, in which it is stated that basic pay of the petitioner was wrongly fixed due to oversight of the Department and till date, recovery of excess amount has not been made from his salary.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner joined the respondent-Corporation as Peon on 04.08.2017 and his basic pay was fixed as Rs.18,500/- in terms of Finance Circular No.12/2021 dated 17.11.2021 (Annexure R-1). Further, on 04.05.2022, the petitioner was promoted to the post of Lower Division Clerk and his basic pay was fixed as Rs.35,400/- from 04.05.2022 to 07.02.2023 and thereafter, was fixed as Rs.36,500/- and Rs.37,600/- from June, 2024 till January, 2025, in contravention of Finance Circular No.12/2021 (Annexure R-1).

6. Further, after promotion of the petitioner to the post of Lower Division Clerk, his basic pay ought to be fixed as per Regulation 12(III) of

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Finance Circular No.12/2021 (Annexure R-1) w.e.f. 04.05.2022 as Rs.23,500/-, w.e.f. 01.05.2023 as Rs.24,200/- and w.e.f. 01.05.2024 as Rs.24,900/-. As such, pay of the petitioner was wrongly fixed relying upon the Finance Circular No.6/2022 dated 07.01.2022, which is only applicable to the employees promoted between 01.01.2016 to 17.11.2021. Thus, his case is not covered by the aforementioned Finance Circular No.6/2022 and the respondent-Corporation refixed the basic pay of the petitioner as per Finance Circular No.12/2021 (Annexure R-1). The grievance of the petitioner with regard to recovery of excess amount does not survive in view of specific stand taken by the respondents.

7. No other argument was raised.

8. Keeping in view the facts and circumstances of the case, this Court does not find any merit in the present petition to exercise the extraordinary powers under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

9. However, it is made clear that the respondent-Corporation will not make any recovery of the excess amount, which has already been paid to the petitioner, till his basic pay is refixed.

[HARPREET SINGH BRAR]
JUDGE

28.08.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No