

2026:PHHC:074423



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104+221 (04 cases)

Date of Decision: 12.05.2026

CWP-8897-2022

(i) Satish Kumar and Ors

.....Petitioners

VERSUS

Uttar Haryana Bijli Vitran Nigam Ltd and Ors

...Respondents

CWP-10867-2022

(ii) Guldeep Kumar and Others

.....Petitioners

VERSUS

Uttar Haryana Bijli Vbitran Nigam Ltd and Others

...Respondents

CWP-18848-2022

(iii) Karam Chand and Others

.....Petitioners

VERSUS

Utrar Haryana Bijli Vitran Nigam Ltd and Others

...Respondents

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**CWP-24332-2022**

(iv) Rakesh Kumar and Others

.....Petitioners

VERSUS

State Of Haryana and Others

...Respondents

CWP-30236-2022

(v) Devid Kumar Sharma and Ors.

.....Petitioners

VERSUS

UHBVL and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohnish Sharma, Advocate
for the petitioners in CWP-10867-2022 and
CWP-8897-2022.

Ms. Anju Bansal, Advocate with
Mr. Deify Jindal, Advocate
for the petitioners in CWP-24332-2022.

Mr. Krishan Daaria, Advocate and
Mr. Rajat Verma, Advocate
for the petitioners in CWP-18848-2022.

Mr. Aditya Partap, Advocate for
Mr. Manoj Pundir, Advocate
for the petitioners in CWP-30236-2022.

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Ms. Nikita Goel, Advocate for
Mr. Baldev Raj Mahajan, Advocate
for the respondent-Nigam in all the cases.

HARPREET SINGH BRAR, J. (Oral)

CM-18889-2025 in CWP-8897-2022 and CM-18890-2025 in CWP-10867-2022

1. Both the present applications have been filed under Section 151 CPC for permission to place on the record replications.
2. In view of the grounds mentioned in the applications, the same are allowed, as prayed for, subject to all just exceptions. Replications are ordered to be taken on record.
3. Registry is directed to place the same at the appropriate place.

Main case

4. With the consent of all the parties, the aforementioned petitions are taken up together and are being decided by this common judgment. However, for the sake of brevity the facts are taken from CWP-8897-2022.
5. The present writ petition has been filed under Articles 226 of the Constitution of India, for issuance of a writ in the nature of *certiorari* for quashing the impugned action of the respondents in unilaterally reducing the basic pay of the petitioners w.e.f. January, February and March, 2022, who are working on the post of Lineman, from Rs. 38,400/- to Rs. 37,300/- and thereby reducing the salary of the petitioners and starting recovery of the

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amount from the monthly salary of the petitioners in an illegal and arbitrary manner, without issuance of any show cause notice or passing of any office order for recovery, in violation of the principles of natural justice and by exercising power in a colourable manner, contrary to their own instructions and the law settled thereto and for issuance of a writ in the nature of *mandamus* directing the respondents to continue to grant the petitioners (Lineman) basic pay of Rs. 38,400/-, salary, arrears and consequential service benefits w.e.f. 09.12.2016, when the petitioners were promoted from the post of Assistant Line nor to the post of Lineman in pursuance of office order dated 15.05.2017 (Annexure P-2) issued by Uttar Haryana Bijli Vitran Nigam Ltd. (hereinafter referred to as “UHBVNL”) and the option submitted by the petitioners.

6. Learned counsel for the petitioners, *inter alia*, contends that the impugned action of reduction of the petitioners’ salary and the subsequent recovery effected from their monthly salary was carried out without adhering to the principles of natural justice. The petitioners were not issued any show cause notice before reducing their salary w.e.f. 09.12.2016 (Annexure P-1). Learned counsel for the petitioners further submits that the recovery has been stayed by this Court while passing the interim order. He has limited his prayer to the extent that the present petition be treated as a comprehensive representation and that the same be decided in a time-bound

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manner by passing a speaking order after affording an opportunity of hearing to the petitioners.

7. Learned counsel for the respondent-Nigam is not in a position to controvert the fact that, prior to the reduction of the petitioners' salary and the subsequent recovery, no show cause notice was issued nor any opportunity of hearing was afforded to the petitioners. However, she submits that the same was done in view of the applicable instructions dated 20.01.2017 (Annexure R-1), and also on account of the undertakings furnished by the petitioners giving no objection in the event of recovery of any excess amount paid to them. However, she also could not controvert the fact that, till date, no order has been passed indicating either that any excess amount had been paid to the petitioners or that the petitioners were not entitled to the benefits of the 7th Pay Commission.

8. Having heard learned counsel for the parties and upon perusal of the record, it transpires that the petitioners were granted the benefit of the 7th Pay Commission, which was adopted by the respondent-Nigam vide order dated 15.05.2017 (Annexure P-2). In terms thereof, the petitioners submitted their option forms circulated by the respondents and duly opted for the benefit of the 7th Pay Commission w.e.f. 09.12.2016, i.e. the date of their promotion from the post of Assistant Lineman to the post of Lineman. While doing so, the petitioners opted to forego arrears for the period of 11 months from 01.01.2016 to 09.12.2016. Rules 5 and 6 of Office Order dated

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15.05.2017 provides the mechanism for disbursement of pay under the revised pay structure and Rule 6 further provides for the option to be exercised by the employees. Thereafter, the respondent-Nigam granted the petitioners the benefit of the 7th Pay Commission by fixing their basic pay at Rs.38,400/-. The petitioners continued to draw the said enhanced salary up to December, 2021.

8.1. However, after more than five years, the respondent-Nigam unilaterally reduced the petitioners' basic pay from Rs.38,400/- to Rs.37,300/- and started making deductions from their salary without issuing any show cause notice or passing any formal order in this regard. Learned counsel for the petitioners has relied upon Annexures P-3 and P-4 to indicate the payment of enhanced salary in terms of the 7th Pay Commission and the subsequent reduction in salary.

9. Therefore, without commenting on the merits of the case and in view of the submissions made by the learned counsel for the petitioners, all the writ petitions are disposed of and the respondent- Nigam is directed to treat the writ petition(s) as representation(s) and consider the claim of the petitioners and pass a speaking order, after affording them an opportunity to be heard, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioners.

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10. Needless to say, if the petitioners are found entitled to the relief sought, the same shall be granted forthwith by the respondents.

11. Pending miscellaneous application(s), if any, be also disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

12.05.2026

parul verma

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