



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

118

CWP-15377-2026 (O&M)
Date of decision: 26.05.2026

Alam Singh

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajinder Singh Rana, Advocate
for the petitioner.

Mr. Siddharth Gupta, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned speaking order dated 30.04.2026 (Annexure P-18) and show cause notice dated 20.08.2024 (Annexure P-6) passed b respondent No.3. Further a writ of *mandamus* has been sought, directing the respondents to reassess the benefits and increments, which have not been given to the petitioner and the revised pay scale given to him pursuant to promotion letter dated 27.07.2007 (Annexure P-2). Further prayer has been made to direct the respondent/Nigam to release the arrears of revised salary from July, 2019 to September, 2024 after adding annual increments for the said



period and to remove the condition in promotion letter regarding passing the type test.

2. On 20.05.2026, the following order was passed:-

Learned counsel for the petitioner, inter alia, contends that the petitioner was initially appointed as Chowkidar under the Ex-gratia Scheme vide appointment order dated 26.02.1993 (Annexure P-1) and was subsequently promoted to the post of Lower Division Clerk (LDC) vide order dated 27.07.2007 (Annexure P-2). It is submitted that as per the notification/instructions dated 21.06.1990 (Annexure P-3), a person appointed under the Ex-gratia Scheme possessing matriculation in 1st or 2nd division is exempted from passing the type test. The petitioner admittedly being a 2nd division matriculate, as evident from the matriculation certificate (Annexure P-4), was fully covered by the said exemption.

Learned counsel further submits that despite the aforesaid position, the respondents illegally stopped the annual increments of the petitioner with effect from July, 2019 and thereafter issued a show cause notice dated 20.08.2024 (Annexure P-6) seeking recovery of an amount of Rs.5,63,056/-. It is contended that although the petitioner subsequently qualified the type test on 04.09.2024 and his increments were restored thereafter, the arrears for the period from July, 2019 to September, 2024 were not released in his favour. Feeling aggrieved, the petitioner approached this Court by filing CWP-10671-2025, which was disposed of vide order dated 07.05.2025 (Annexure P-11) with a direction to the respondents to pass an appropriate speaking order, while the proposed recovery was kept in abeyance.



Pursuant thereto, the respondents passed a speaking order dated 13.08.2025 (Annexure P-12), whereby the recovery proceedings were revived. Learned counsel submits that a similarly situated employee, namely Vijay Walia, who was also subjected to the condition of passing the type test, had approached this Court by way of CWP-18685-2025. The said writ petition was disposed of on 09.07.2025 (Annexure P-14), wherein this Court, while relying upon the precedent in the case of Divyanshu Kaushik as well as the promotion order dated 14.11.2006 issued by the respondent Corporation in the case of another similarly situated employee, directed consideration of the claim of Vijay Walia in the light of the benefits already granted to other employees. In compliance thereof, office order dated 24.09.2025 (Annexure P-15) was issued by the respondent-Corporation granting Vijay Walia all consequential benefits, which are identical to those being claimed by the petitioner in the present writ petition.

It is further submitted that the petitioner thereafter challenged the speaking order dated 13.08.2025 by filing CWP-2862-2026, which was disposed of with a direction to the respondents to consider the case of the petitioner in the light of the order passed in the case of Vijay Walia (Annexure P-16). However, respondent No.4, instead of complying with the specific directions issued by this Court and considering the petitioner's claim on parity with Vijay Walia, rejected the claim of the petitioner vide impugned order dated 30.04.2026 (Annexure P-18), observing therein that if any similarly situated employee had been granted relief inadvertently or by mistake, the same would not confer any legal right upon others to claim identical relief.



In rebuttal, learned counsel for the respondent-Corporation reiterates the grounds recorded in the impugned speaking order and submits that while deciding the case of Vijay Walia (supra), certain instructions dated 11.11.2019 were allegedly not brought to the notice of this Court. However, learned counsel could not dispute the fact that no intra-court appeal or any other challenge has been preferred against the judgment rendered in Vijay Walia's case (supra). It is also not disputed that the said judgment has already been implemented by the respondent-Corporation by granting relief to Vijay Walia vide office order dated 24.09.2025 (Annexure P-15), which has attained finality. Prima facie, the impugned speaking order appears to be in the teeth of the directions issued by this Court and bordering upon wilful non-compliance thereof.

Without commenting further upon the act and conduct of respondent No.4 at this stage, this Court deems it appropriate to grant one final opportunity to respondent No.4 to comply with the directions issued by this Court in CWP-2862-2026 and to reconsider the claim of the petitioner strictly in the light of the order passed in the case of Vijay Walia (supra), in accordance with law.

List on 26.05.2026.

3. In compliance with the aforesaid order, the claim of the petitioner has been reconsidered in the light of the judgment rendered by this Court in **Vijay Walia's case (supra)**, and it has now been decided to withdraw the condition regarding passing of the type test. Consequently, the petitioner has been found entitled to the same relief as extended to Vijay Walia.



4. In this regard, learned counsel for the petitioner has produced a copy of order dated 25.05.2026, which is taken on record as Mark 'X'. The Registry is directed to tag the same at an appropriate place on the file. Learned counsel for the petitioner submits that he is satisfied with the action taken by the respondents.

5. In view of the above, the present writ petition is disposed of. Needless to say, the amount recovered from the petitioner in terms of recovery notice dated 19.12.2025 (Annexure P-7) shall be refunded to him within a period of eight weeks from today.

(HARPREET SINGH BRAR)
JUDGE

26.05.2026
yakub

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