



CM-4781-2026 in/and
CWP- 17073-2024(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-4781-2026 in/and
CWP-17073-2024(O&M)
Date of Decision :02.04.2026

Sanjeev Kumar

.. Petitioner

Versus

Punjab State Power Corporation Limited & ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Rattan, Advocate
for the petitioner.

Mr. Kunal Mulwani, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

CM-4781-2026

This is an application under Section 151 of CPC praying for preponement of date of hearing and to allow the writ petition in the same terms being covered by the judgment dated 12.02.2026 passed in CWP-11499-2022 titled as **'Jarnail Singh Vs. Punjab State Power Corporation Limited and ors.'** and CWP-12240-2022 titled as **'Anil Kumar Vs. Punjab State Power Corporation Limited and ors.'**

Learned counsel for the applicant-petitioner submits that the similarly situated employees have raised the identical issue by filing CWP-16262-2024 titled as **'Narinder Kumar Vs. Punjab State Power Corporation Limited and ors.'** as well as **Jarnail Singh's case (supra)**. Both the writ petitions have been allowed by this Court, which cover the case of the petitioner completely. As such, the prayer for preponment is



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made.

Learned counsel for the non-applicant-respondents has not controverted the fact that this Court has allowed the aforesaid two writ petitions and the petitioners therein are similarly situated and their case is at par with the petitioner.

In view of the above, the application is allowed and the main case is taken up on board today itself.

Main case

The present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ, order or directions especially in the nature of certiorari quashing the impugned pay fixation (P-10) by which pay of the petitioner is re-fixed and reduced w.e.f 28.06.2000 and an amount of Rs. 13,769/- has been recovered from the petitioner and further quashing of impugned letter dated 04.04.2022 along with calculation sheet (P-17) by which pay of the petitioner is again re-fixed and reduced and an amount of Rs. 2,64,061/-for the period from 28.06.2000 to 04.12.2020 has been recovered from the arrears of pay payable to the petitioner, without giving any show cause notice/opportunity of hearing. Further, a prayer is made for issuance of a writ in the nature of mandamus directing the respondents not to reduce & re-fix the pay of the petitioner, and to re-fix the pay after granting/restoring promotional increments already granted as JE (P-6 & P-7) in view of letters dated 11.06.1997, 24.10.1997 and 27.03.2000 (P-3 to P-5) and also to grant promotional increment as AAE (P-14) and to re-fix the pay accordingly. Further to refund the recovered amount of Rs. 13,769/- and Rs. 2,64,061/-(Rs.13,769+ Rs. 2,64,061/- Rs. 2,77,830/-) (P-10 & P-17), which has been recovered from the arrears of pay without giving



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any show cause notice/opportunity of hearing and also in view of letters/instructions/ circulars/judgments (P-3 to P-9, P-12 & P-13, P-21 to P-24 & P-26) and also judgment passed by the Hon'ble Supreme Court in case of **State of Punjab and others Vs. Rafiq Masih, 2015 (4) SCC 334**, where Hon'ble Supreme Court has held that no recovery can be made from retired employee if excess payment has been made for a period in excess of five years before the order of recovery is issued, with the further prayer to grant the interest @12% per annum on the delayed payments of Gratuity, as has been held in the case of **A.S. Randhawa Vs. State of Punjab reported as 1998(1)SCT (page 343)**, in the interest of justice.

2. Learned counsel for the petitioners *inter alia* contends that the case of the petitioner is squarely covered by judgments passed by this Court in **Jarnail Singh's case (supra)** and **Narinder Kumar's case (supra)**.

3. *Per contra*, learned counsel for the respondents refers to Annexure P-3 i.e. the prescribed criteria for filling up the posts of Junior Engineer Electrical by direct recruitment or promotion, and submits that 22% quota has been fixed by way of promotion. However, the same is a stop-gap arrangement till the employed diploma holders are adjusted and thereafter diverted to direct recruitment. As such, the petitioner does not have any vested right and further refers to Annexure P-18 and submits that the petitioner himself has requested for making the recovery in instalments. As such, the petitioner is by his own conduct agitated the same grievance by filing the present petition.

4. Having heard learned counsel for the parties and after perusing the record, it transpires that the issue in the present writ petition has been



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conclusively dealt by this Court in *Jarnail Singh (supra)* and *Narinder Kumar (supra)*. This Court in *Jarnail Singh (supra) and Narinder Kumar (supra)* has effectively laid down that where an employee of the respondent-Corporation was initially appointed as a Lineman and thereafter promoted to the post of Junior Engineer under the 22% promotional quota through a departmental examination, such appointment is a promotion and not a direct recruitment against the Central Recruitment Agency (CRA) quota. It has been further conclusively held that the respondent-Corporation cannot, after the lapse of over two decades, arbitrarily reclassify such promotion as a fresh appointment to deny the two promotional increments granted at the time of such promotion, nor can it effect recovery of amounts paid pursuant thereto, especially in the absence of any show cause notice or opportunity of hearing.

6. Consequently, the present writ petition is disposed of in terms of judgment rendered by this Court in *Jarnail Singh (supra)* and *Narinder Kumar (supra)*.

7. Pending miscellaneous application(s), if any, also stands disposed of.

**02.04.2026
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**(HARPREET SINGH BRAR)
JUDGE**

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