

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-4065-2012 (O&M)

MADAN LAL GARG

..Appellant

Versus

HARYANA VIDYUT PRASARAN NIGAM AND ORS.

..Respondents

Reserved on: 24.03.2026

Pronounced on : 23.04.2026

Uploaded on : 27.04.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ashutosh Kaushik, Advocate (through v.c.)
for the appellant.

Mr. P.S. Poonia, Sr. Advocate
with Mr. Pulkit Dhanda, Advocate
Mr. Dharampal Saini, Advocate
Mr. Yudhveer Hooda, Advocate
for respondents.

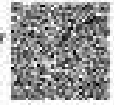
SUDEEPTI SHARMA, J.

1. The present regular second appeal is filed against judgment and decree dated 01.11.2011 passed by learned Civil Judge (Junior Division), Gurgaon as well as judgment and decree dated 11.06.2012 passed by learned Additional District Judge, Gurgaon, whereby, the civil suit as well as the appeal filed by the appellant were dismissed, respectively.

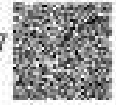
BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that the appellant was employed with Haryana Vidyut Prasaran Nigam Ltd.

The respondents invited applications for filling up 80 regular posts of



Assistant Engineers (Trainee) in the pay scale of Rs. 8000-275-10200/EB-275-13500 having fulfilled the prescribed qualifications. The appellant applied for the said post through proper channel vide memo dated 04.01.1999. He was selected as Assistant Engineer vide memo dated 22.04.1999. He submitted No Objection Certificate obtained from his previous employer. At the time of interview, he also deposited one month's salary of Rs.10,905/- before joining the new assignments. It is further pleaded that Vice Chancellor Hisar was pleased to grant EOL without pay for two years with permission to retain lien to the appellant vide order dated 16.08.1999. The appellant further extended his EOL with lien for one year. He submitted his salary certificate issued by CCS HAU Hisar for fixation of pay in HVPNL. Before joining HVPNL as Assistant Engineer, appellant was employed as Assistant Professor in the pay scale of Rs.8000-13500 besides holding his lien on the said post and, therefore, he was entitled to pay protection i.e. to draw the presumptive pay of his permanent post ever during the period of probation. The appellant requested the respondents for pay protection but the said request was declined vide memo dated 04.08.2000, observing therein that his request for protection of pay for the service rendered by him in Haryana Agricultural University, Hisar is not found feasible for acceptance. The competent authority also directed the appellant to resign from the said post of Assistant Professor observing that sanctioning of leave by CCS HAU Hisar is contrary to Rules and Regulations as he has joined HVPNL by accepting the terms and conditions of the offer of appointment. The appellant again made representation but it was also declined. The said decision was conveyed to the appellant after lapse of around three years. He kept on representing the respondents for pay



protection thereafter, he filed civil suit challenging order dated 04.08.2000, 04.12.2001 and 10.09.2003. The civil suit filed by him was dismissed by learned Civil Judge (Junior Division), Gurgaon vide its judgment and decree dated 01.11.2011. Thereafter, he filed appeal against the same, which was also dismissed vide judgment and decree dated 11.06.2012 passed by learned Additional District Judge, Gurgaon. Hence the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

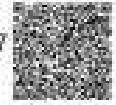
3. Learned counsel for the appellant contends that both the Courts have totally ignored the oral as well as documentary evidence on record while dismissing the civil suit as well as appeal filed by the appellant. He, therefore, prays that the present appeal be allowed.

4. Per contra learned Senior counsel for respondents contends that both the Courts have rightly appreciated the evidence on record and dismissed the civil suit as well as appeal filed by the appellant. He, therefore, prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

6. As per record the claim of the appellant is that he was earlier serving in Hisar University and he applied for the post of Assistant Engineer through proper channel and he also retained his lien on earlier job, therefore, he is entitled to pay protection in the new department. There is nothing on record to show that appellant would be entitled for pay protection in his new job. Moreover, the appellant while accepting the new job accepted the terms and conditions of the new job as well.

7. Further perusal of the record shows that there was no request for pay protection on behalf of the appellant in his application nor was there



any such condition/clause etc. A perusal of appointment letter (Ex.P-2) shows that it is fresh appointment and the appellant was to undergo training for a period of one year and thereafter he was to be considered for posting as an Assistant Engineer. The pay scale after 5 years and 12 years of regular satisfactory service was also mentioned in the appointment letter itself. There is not even a single line in the appointment letter which would suggest pay protection.

Further a perusal of the document Ex.D-4 to Ex.D-6 shows that instructions of Government with regard to pay protection etc. would not be applicable to the employees of HPVNL. Further the order challenged in the civil suit are of the year 2000, whereas, the appellant filed civil suit in the year 2006 that is almost after six years after the representations were rejected.

DECISION

8. In view of the above, I do not find any infirmity and illegality in judgment and decree dated 01.11.2011 passed by learned Civil Judge (Junior Division) and judgment and decree dated 11.06.2012 passed by learned Additional District Judge, Gurgaon, the same are hereby affirmed.

9. Accordingly, the present appeal is **dismissed**. Parties are left to bear their own costs.

10. Decree sheet be drawn.

11. All the pending miscellaneous applications, if any, are also disposed of.

23.04.2026

Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

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