



RSA No. 2740 of 1998

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

RSA-2740-1998 (O&M)

Executive Engineer, Anandpur Sahib Hydel ProjectAppellant

vs.

Madan Lal & ors.Respondents

Date of Reserve: 01.04.2026

Date of Pronouncement: 21.04.2026

Uploaded on:- 23.04.2026

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. Paramjit Singh Thiara, Advocate
for the appellant.

Mr. Vivek K. Thakur, Advocate
for respondent No. 1 and 3.

Mr. Vijay Lath, and Mr. Naveen Sharma (Moudgil), Advocates
for respondent No. 2.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 12.06.1998 passed by learned District Judge, Ropar whereby the appeal filed by the respondents against judgment and decree dated 17.12.1993 passed by learned Sub Judge 2nd Class, Anandpur Sahib was allowed and the civil suit filed by them was decreed in their favour.

**RSA No. 2740 of 1998****BRIEF FACTS OF THE CASE**

2 Brief facts of the case as per pleadings in the civil suit are that the respondents were working with the appellants for the last so many years. Similarly situated persons working with the appellants were granted higher pay scale than the respondents. The respondents represented the appellant for grant of higher pay scale as was granted to similar situated persons on the same post. But the appellant refused the same to the respondents and hence, they filed civil suit claiming fixation of higher pay scale at par with other colleagues but the same was dismissed, vide judgment and decree dated 17.12.1993 passed by learned Sub Judge 2nd Class, Anandpur Sahib. The respondents filed appeal against the same, which was accepted, vide judgment and decree dated 12.06.1998 passed by learned District Judge, Ropar. Hence the present regular second appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant contends that learned First Appellate Court has wrongly reversed the well reasoned judgment and decree dated 17.12.1993 passed by learned Sub Judge 2nd Class, Anandpur Sahib. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsels for the respondents contend that learned First Appellate Court has rightly set aside judgment and decree dated 17.12.1993 passed by learned Sub Judge 2nd Class, Anandpur Sahib and accepted the appeal filed by the respondents, vide judgment and decree dated 12.06.1998 passed by learned District Judge, Ropar. They, therefore, pray that the present appeal be dismissed.

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

**RSA No. 2740 of 1998**

6. A perusal of the record shows that learned Sub Judge 2nd Class, Anandpur Sahib held the respondents entitled to higher pay scale as was granted to other similar situated employees and also to all benefits of salary including arrears of pay whereas dismissed the suit filed by them on the ground that the same is barred by limitation. In reply to the civil suit, the appellant filed written statement wherein it admitted that higher pay was granted to retrenched employees of BSL Project. Further, no formula was adopted for giving such benefits to retrenched employees. In the civil suit, the respondents pleaded that they were recruited in the Sutlej Link Project and were offered the job by the appellant on the understanding that they would be given same scale which they were already drawing from Sutlej Link Project. In reply to the same, the appellant stated that no such agreement was arrived at.

7. Mehar Chand was examined as PW5 who deposed that respondents were taken in employment in new scale but later on the appellant-department decided to grant the same scale which employees were drawing at Talwara whereafter they were granted old scale which they were drawing at the time of retrenchment.

8. Teja Ram was examined as PW3 who deposed that Madan Lal and Ranjit Singh were working in BSL with him and they were retrenched at the same time and that after some time, he was again appointed and old scale was granted to them.

9. Gurbhajan Singh was examined as DW1, who deposed that higher pay start or higher pay was granted to such retrenched employees whose work was satisfactory. He further deposed that there was no complaint against the respondents. Furthermore, perusal of Ex P12 to P-14 copy of discharge certificates

**RSA No. 2740 of 1998**

of Madan Lal, Joginder Singh and Ranjit Singh shows that entry regarding work and conduct is good. Ex P2 is the list of various work charged employees to whom higher pay start was granted. Gurbhajan Singh who was examined as DW1, SDO, Anandpur Sahib, Hydel Project deposed that higher pay scale was granted to such employees whose work was satisfactory.

10. A perusal of the record further shows that respondents represented the appellant and it denied the benefits of grant of higher pay scale to the respondents as is granted to the similar situated employees. There is nothing on record to show as to why higher pay scale was not granted to the respondents at par with other similar situated employees.

11. In view of the above, I do not find any infirmity in judgment and decree dated 12.06.1998 passed by learned District Judge, Ropar and the same is upheld.

12. Accordingly, the present regular second appeal is ***dismissed***.

13. Vide order dated 18.01.2005, operation of impugned judgment and decree dated 12.06.1998 passed by learned District Judge, Ropar was stayed. The present regular second appeal pertains to the year 1998 and decided today i.e after a gap of 28 years despite the fact that learned First Appellate Court decreed the suit filed by the respondents in the year 1998. Because of the stay granted by this Court, vide order dated 18.01.2005, the respondents could not enjoy the relief granted by the learned First Appellate Court.

14. In view of the same, the appellant is directed not to force the respondents to file execution for the relief, which is granted to them 28 years back. Therefore, the appellant is directed to calculate the amount along with interest @9

**RSA No. 2740 of 1998**

per cent per annum. Accordingly, the retiral benefits are to be calculated and to be paid by the respondents along with interest @9 per cent per annum.

15. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

16. Pending application (s) if any also stands disposed of.

21.04.2026**Gaurav Arora****(SUDEEPTI SHARMA)****JUDGE**

Whether speaking/non-speaking : Speaking

Whether reportable : Yes