

PUNJAB STATE ELECTRICITY BOARD

(P.A.C. SECTION)

Office Order No. 532 /Fin/PRG/R-201

Dated : 5/8/1998.

Whereas, Sh. Rajinder Kumar Prabhakar, Assistant Research Officer working in the office of Chief Engineer/Const., Guru Margobind Thermal Plant, Lehra Mahabat filed a Civil Writ Petition No. 1839 of 1998 in the Punjab & Haryana High Court against Punjab State Electricity Board under Article 226/227 of the Constitution of India making prayers to issue direction for the respondent Board for grant of the following :-

- i) Improved pay scale of Rs. 2200-4250 with initial start of Rs. 2400/- alongwith promotional benefit of pay scale of Rs. 3000-5600 after 8 years of service and pay scale of Rs. 4500-6300 after 18 years of service w.e.f. 1.1.1986 alongwith arrears with interest @ 24% per annum.
- ii) parity in the pay scales of Assistant Research Officer/Research Officer with that of pay scale of Assistant Engineer/Executive Engineer.
- iii) parity in the pay scale of Assistant Research Officer working in the Board and that of working in the Deptt. of Irrigation & Power, State of Punjab.

2. Whereas, this Writ petition came up for hearing before the Division Bench of Punjab & Haryana High Court on 9.2.1998 and was disposed off with the following orders :-

"Without going into the merits of this case at this stage the Court rather deems it more appropriate that representation of petitioner Annexure P-10 dated 28.3.1996 is decided first. Consequently, we direct respondent No. 1 to deal with and dispose off the representation of the petitioner Annexure P-10 as expeditiously as possible and preferably within two months of the receipt of a copy of this order by him."

3. Whereas, copy of the above order dated 9.2.1998 was received by the respondent Board on 26.3.1998 through Assistant Registrar (Writs), Punjab & Haryana High Court, Chandigarh.

4. Whereas, Annexure P-10 is a copy of representation dated 28.3.1996 attached with the Writ Petition wherein the petitioner has requested to grant him pay scale equal to Assistant Engineer i.e. Rs. 2200-4250 (with initial start of Rs. 2400/-) alongwith higher pay scale at 2 and 18 years' service on the following grounds :-

- i) that PSEB has been following Punjab PWD, Irrigation Wing, in respect of Assistant Research Officer (based on memorandum No.94/KEP-2619/L dated 12.9.1978).
- ii) that Secretary to Govt. Punjab, Irrigation & Power Deptt. has further revised the grades of Research Cadre w.e.f. 1.1.1994 vide notification No.28/86/96-I-PP(5)3724 dated 15.3.1994.
- iii) that the post of Research Officer and Assistant Research Officer have already been equated with that of Executive Engineer and Assistant Engineer for all intents and purposes by Punjab Government.

5. Whereas, it is stated that there were only two posts of Assistant Research Officer in the PSEB during the year 1978 (presently there are three posts of Assistant Research Officers and 5 posts of Research Assistants). The Service Regulations of the Board did not provide any criteria and qualification for making appointment in the cadre of Assistant Research Officer. Therefore, a proposal was submitted to the Board vide memorandum No.94/KEP-2619/L dated 12.9.1978 wherein procedure and rules being followed in the Irrigation Branch of Punjab Government at that time were taken into account. It was duly explained in the memorandum that there were many dis-similarities in the matter of encadrement, mode of promotion and qualification/experience as prescribed for direct recruitment and by promotion in Punjab Government service vis-a-vis P.S.E.B. and accordingly it was concluded in the memorandum that service rules for promotion of Research Assistant(Gr.B to Gr.-A) do not suit the P.S.E.B., as there do not exist two grades in the cadre of Research Assistant in the respondent Board. Therefore, keeping all the relevant

facts in view and qualification possessed by the senior most Research Assistant at that time the following criteria was proposed for filling up of the post of Assistant Research Officer :-

- i) Research Assistants may become eligible for promotion to the post of Assistant Research Officer provided he has a minimum qualification of B.Sc. IInd Divn. Degree with Physics and Chemistry as compulsory subjects and with a minimum experience of 8 years as Research Assistant.
- ii) 50% posts of Assistant Research Officers may be filled up by direct recruitment or by deputation and remaining 50% by promotion from amongst Research Assistants having requisite qualification and experience.

6. Whereas, the matter was considered by the Board in its meeting held on 10.10.1978 and the proposal as contained in the memorandum was approved subject to the following modification :-

"Direct recruitment should be made at the level of Research Assistant only and the post of Assistant Research Officer should be filled up by promotion. The qualification for recruitment to the post of Research Assistant should be B.Sc. Civil Engineering or B.Sc. with Physics."

7. Whereas, while confirming minutes of the earlier meeting, the PSEB in its next meeting held on 16.11.1978 decided that the words "or B.Sc. with Physics" be deleted.

8. Whereas, it is stated that the facts contained in memorandum No.94/ERP-2619 dated 12.9.1978 are not relevant at all for deciding the representation (P-10) of the petitioner, as claimed by him. The posts of Assistant Research Officer in Punjab State Electricity Board are filled up by promotion from amongst Research Assistants possessing the prescribed qualification. The position of pay scale of Assistant Research Officer

and Research Assistant in P.S.E.B. and in Punjab Government is as indicated below :-

Sr. Category No.	P.S.E.B.		PUNJAB GOVERNMENT		
	Pre-revised scale	Revised Scale w.e.f. 1.1.1986	Pre-revised scale	Revised Scale w.e.f. 1.1.1986	Further revised scale w.e.f. 1.1.1994
1. Assistant Research Officer	825-1700	2100-3700 (modified to Rs. 2100-3700 w.e.f. 1.11.1993)	825-1700	2100-3700	2200-4000 3000-4500 (after 8 years) 3700-5300 (after 18 years)
2. Research Assistant	570-1080 (improved to 700-1200 (B.Sc.Civil Engg.))	1800-3200 2100-3700 (after 9 years) 2200-4000 (after 16 years)	1) GRADE-B 570-1080 ii) GRADE-A 620-1200	1500-2640 1640-2925	1640-2925 1800-3200 (Basic scale) 2200-3900 (after 18 years)

9. Whereas, the Board vide office order No.197/Fin/PRC dated 23.4.1990 introduced a scheme to allow the benefit of promotional/devised promotional scales after completion of 9/16 years' regular service as a sort of compensation to the employees against stagnation. This scheme was effective from 1.1.1986. Feature No.2 of the scheme *ibid* provides as under :-

"For granting the time bound promotional/ devised promotional scales to each employee in any cadre, the prescribed period will be counted from the date of commencement of service on the lowest post on which regular appointment has been made through direct recruitment in concerned cadre."

Under this scheme the category of Research Assistants was granted the pay scale of Rs.2100-3700 on completion of 9 years' service and Rs.2200-4000 on completion of 16 years' service by considering it as an induction post.

10. Whereas, the Board has framed its own Service Regulations governing the conditions of service/pay scale/qualification/experience for direct recruitment/promotion in respect of various categories of Board employees. For filling up the posts of Assistant Engineers(Civil), the PSEB Service of Engineers(Civil), Regulations, 1965 provide as under :-

- i) 53% by direct recruitment from out of the candidates possessing qualification of B.E.Civil, after competitive test.
- ii) 14% posts are filled up from the Engineering subordinates possessing the qualification B.E.Civil/A.M.I.E.(Civil).
- iii) 30% posts are filled up from A.A.Es. on seniority-cum-merit basis.
- iv) 3% posts are filled up from S.M.Ds.

11. Whereas, at present there are only 2 posts of Assistant Research Officers in the Board. All the posts of Assistant Research Officers are filled-up by promotion from amongst the Research Assistants possessing atleast qualification of B.E.(Civil) or B.Sc. IInd class. Evidently, the mode of appointment/experience/duties and responsibilities of AROs are quite different to that of A.E.(Civil). In addition, prior to 1.1.1986 the A.Es. were placed in the better pay scale of Rs.1000-1850 in comparison to the scale of Rs.825-1700 granted to the category of Assistant Research Officers. Therefore, the demand of the petitioner seeking parity in pay scale with A.E.(Civil) i.e. Rs.2200-4250 with initial start of Rs.2400/- and higher promotional scales of Rs.3000-5000 and Rs.4500-6300 after 8/18 years' service (actually admissible after 9/16 years' service) is not worth consideration.

12. Whereas, with regard to the claim of the petitioner for parity in the matter of pay scale admissible to his counterparts in Punjab Government service, it is observed that the pay scale of the employees are sanctioned keeping in view the

prescribed qualifications, mode of appointment, nature of duties and also relativity of the pay scales with other equal ranking posts in a particular Organisation. Moreover the PSEB is empowered to frame its own Service Regulations including grant of pay scales to its employees in exercise of powers conferred by Section 79(c) of Electricity (Supply) Act, 1948. Therefore, the claim of the petitioner for parity in pay scale admissible to his counterparts in the Punjab Govt. solely because of their designation being same is also not worth consideration.

13. Whereas, keeping in view all the relevant facts in totality, the claim of petitioner (Sh. Rajinder Kumar Prabhakar), Assistant Research Officer, seeking parity with the pay scales of Assistant Engineer in P.S.E.B. service and Assistant Research Officer in Punjab Govt. service has not been found feasible of acceptance and as such is hereby rejected.

sd/-
Secretary,
Punjab State Elec. Board,
Patiala.

Endst.No. 1535/37/Fin/PRC/R-201 Dated : 5/8/1998.

Copy of the above is forwarded to the following for information and necessary action :-

- 1) Chief Engineer/Const., Guru Hargobind Thermal Plant, Lehra Mohabat with reference to his memo No. 1874/76 dated 9.6.1998.
- 2) Legal Advisor, PSEB, Patiala with reference to his No. 266/LB-2(40142)(98) dated 29.6.1998.
- 3) Sh. Rajinder Kumar Prabhakar, Assistant Research Officer, C/O Chief Engineer/Const., G.H.T.P., Lehra Mohabat.

DA (For Item No. 1)

Copy meant for Sh. Rajinder Kumar Prabhakar may please be delivered to the officer under proper acknowledgement.

sd/-
Joint Secretary/Finance,
P.S.E.B., Patiala.

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