

D.P.Sharma Vs. Bses and ors.

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Court : Delhi

Decided On : Nov-12-2013

Judge : Valmiki J. Mehta

Appellant : D.P.Sharma

Respondent : Bses and ors.

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + % W.P.(C) No.1906/1998
12th November, 2013 D.P.SHARMAPetitioner Through: None. VERSUS
BSES & ORS. Respondents Through: None. CORAM: HONBLE MR.
JUSTICE VALMIKI J.MEHTA To be referred to the Reporter or not?. VALMIKI J.

MEHTA, J (ORAL) 1. I have waited for counsel for the parties for some time. No one however appears for the parties. Since this is an old writ petition of the year 1998, I deem it fit not to adjourn the matter. I have gone through the records and am proceeding to pass a judgment.

2. Petitioner by this writ petition seeks implementation of the promotion order dated 6.12.1994 for his being granted salary in the payscale of Rs. 2200-4100. Petitioner was an erstwhile employee of the Delhi Vidyut Board (DVB) which was thereafter unbundled into DISCOMS. After unbundling, petitioners services at present will stand transferred to the DISCOMS North Delhi Power Ltd. (NDPL). Though there was earlier confusion as to whether petitioner is an employee of

BSES or NDPL, however to avoid any confusion NDPL was added as a party vide order dated 8.10.2013. NDPL has however not filed its counter-affidavit. Counter-affidavit was originally filed on 16.7.2007 by BSES Yamuna Power Ltd. and where it is admitted that petitioner was promoted to the post of Head Surveyor having the pay-scale of Rs. 2200-4100. In the counteraffidavit, it was only stated that the old records cannot be found.

3. In view of the aforesaid facts emerging from the record, and the fact that the petitioner has filed the office order dated 6.12.1994 showing that he was promoted to the Head Surveyor in the pay-scale of Rs.22004100, petitioner has to get the pay-scale as stated in the order dated 6.12.1994. In spite of the petitioner writing representations which are annexed to the writ petition, and which are dated 19.9.1995, 11.9.1997 and 17.10.1997, nothing was done except at one stage a letter dated 13.10.1997 was written to the petitioner that in reference to the letter dated 12.9.1997 the case has been sent to higher authorities for decision and the petitioner will be conveyed the decision on the same being taken. However, nothing further was heard from the employer.

4. In view of the fact that the petitioner stands promoted to the post of Head Surveyor in terms of the order dated 6.12.1994, petitioner will therefore be entitled to pay-scale of Rs. 2200-4100.

5. The writ petition is therefore allowed and it is held that petitioner be paid all monetary benefits taking his scale of pay at Rs. 22004100 w.e.f 6.12.1994. The necessary emoluments be paid to the petitioner within a period of three months from today. Petitioner will also have consequential benefits including with respect to retirement benefits by taking the petitioner as having been granted higher monetary emoluments w.e.f 6.12.1994. In case, petitioner is not paid the amount due to him by NDPL within a period of three months, thereafter, petitioner will be entitled to interest at 7 % per annum simple from today and till the date of payment. The writ petition is allowed and disposed of in terms of the aforesaid observations, leaving the parties to bear their own costs. NOVEMBER12 2013 ib WPC19061998