



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

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**Date of decision: 17.09.2025**

**1. CWP-7877-2024 (O&M)**

Amandeep Singh and others

....Petitioners

Versus

Punjab State Power Corporation Limited and others

....Respondents

**2. CWP-6282-2025 (O&M)**

Harsimran Singh and others

....Petitioners

Versus

Punjab State Power Corporation Limited and others

....Respondents

**3. CWP-19135-2025 (O&M)**

Sunil Kumar and others

....Petitioners

Versus

Punjab State Power Corporation Limited and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Nikhil Anand, Advocate  
for the petitioners in CWP-7877-2024.

Mr. Fateh Singh Dhillon, Advocate  
for the petitioners in CWP-6282-2025.

Ms. Amandeep Kaur, Advocate  
for Mr. Subhash Kumar, Advocate  
for the petitioners in CWP-19135-2025.

Mr. Vikas Sonak, AAG, Punjab  
for respondent No.6 in CWP-7877-2024  
and for respondent No.3  
in CWP Nos.6282 and 19135 of 2025.



Ms. Harpriya Khaneka, Advocate  
for respondents/PSPCL in CWP-7877-2024.

Mr. Ashu Kaushik, Advocate  
for the respondents/PSPCL  
in CWP Nos.6282 and 19135 of 2025.

**HARPREET SINGH BRAR J. (Oral)**

1. Vide this common order, I intend to dispose of CWP No.7877 of 2024, CWP Nos.6282 and 19135 of 2025, as substantial questions of law are involved for adjudication. For the sake of convenience, facts are taken from CWP No.7877 of 2024.

2. The petition (CWP No.7877 of 2024) has been filed by the petitioners under Articles 226/227 of the Constitution of India, seeking the following reliefs:-

a). Issuance of a writ in the nature of Certiorari for quashing the Financial Circular No.06/2020 (Annexure P-5) issued by the Respondents to the extent that the same makes applicable the new pay scales as per the Central Pattern applicable on the petitioners in total contravention to the terms of recruitment against which the petitioners were appointed which contemplated the pay scales to the petitioners on the basis of the Punjab Pay Commission and the same also being in contravention to the letter/notification dated 17.07.2020 (Annexure P-4) issued by the Government of Punjab clearly indicating that the Central Pay Scales would be only applicable to all the prospective recruitments;

b). Issuance of a writ in the nature of Certiorari for quashing the letter/clarification dated 23.12.2022 (Annexure P-12) issued by Respondents in which it has been mentioned that the candidates who have been



appointed on compassionate grounds after 17.07.2020 will be governed by new pay scales of Central Pattern being in total contravention to the terms and conditions of the recruitment process against which the petitioners were appointed as well as the fact that the recruitment of the petitioners was initiated in the year 2019 and their cases for appointed were sanctioned on 15.07.2020 by Whole Time Directors and therefore, new pay scales cannot be made applicable on them;

c). Issuance of a writ in the nature of Certiorari for quashing Clause 1 of the appointment order/letter of the petitioner (appointment letter dated 19.08.2020 of petitioner No.1 is annexed as Annexure P-7) vide which in total contravention to the conditions of the advertisement the New Central Pay Scales are being made applicable to the petitioners thereby reducing their salaries and the said action being completely arbitrary, illegal and in violation of Article 14 of the Constitution of India in so much so that all Lower Division Clerks appointed prior to 17.07.2020 are still getting salary according to the recommendations of the Punjab Pay Commission as per Punjab pattern;

d). Issuance of a writ in the nature of Certiorari for quashing the letter dated 22.06.2023 (Annexure P-9), 12.10.2023 (Annexure P- 10), Finance Circular dated 09.11.2023 (Annexure P-11) to the extent of their applicability on the petitioners;

e). Issuance of a writ in the nature of Mandamus for directing the respondents to fix the pay of the petitioners in the pay scales i.e. 6400-20200 + 3400 Grade Pay as per the Punjab Pay Commission from the date of their initial appointment and to further fix the pay of the petitioners in the revised pay scales as per the recommendations of the 6<sup>th</sup>



Punjab Pay Commission duly adopted by the respondents and accordingly fixed the pay of the petitioners as per the Punjab State Power Corporation Ltd. (Revised Pay) Regulations, 2021 and release the arrears of pay to the petitioners to which they become entitled as a result of acceptance of above- said prayers;

f). Issuance of direction to the respondents to grant pay to the petitioners in Pay Scale of 6400-20200 + 3400 Grade Pay during the pendency of the present writ petition after completion of the probation period of the petitioners;

g). Issue any other appropriate writ, order or direction that this Hon'ble Court deems fit and proper in the facts and circumstances of the present case.

3. The brief facts of the case are that the petitioners were appointed as Lower Division Clerks on compassionate grounds by the Punjab State Power Corporation Limited (PSPCL). The process for recruitment of the petitioners on compassionate ground was initiated in the year 2019, with the applicable pay scale of 6400-20200 + 3400 Grade Pay as per the 6<sup>th</sup> Punjab Pay Commission, as per the internal communication dated 30.10.2019 (Annexure P-1). A proposal dated 23.06.2020 (Annexure P-2) for 69 candidates, including the petitioners, was sanctioned by the Whole Time Directors on 29.07.2020 (Annexure P-3), affirming the aforesaid pay scale. The Punjab Government's notification dated 17.07.2020 (Annexure P-4) mandated Central Pay Scales for prospective recruitments, requiring ongoing processes to be halted and a fresh corrigendum was to be issued indicating fresh pay scales, which was not done in the case of the petitioners. The PSPCL



adopted this Notification vide Financial Circular No.06/2020 (Annexure P-5) on 28.07.2020, but the subsequent letter dated 29.07.2020 (Annexure P-3) did not alter the petitioners' pay scale. The appointment letters dated 14.08.2020 and 19.08.2020 (Annexures P-6 and P-7, respectively) applied Central Pay Scales without prior notice to the petitioners, prompting the petitioners to file representations dated 20.12.2023 and dated 26.02.2024 (Annexures P-13 and P-14, respectively). The petitioners claim entitlement to revised pay scales under the Punjab Civil Services (Revised Pay) Rules, 2021, adopted by PSPCL vide Finance Circular No. 12/2021. PSPCL's clarifications dated 24.05.2022 (Annexure P-8), 23.12.2022 (Annexure P-12), 22.06.2023 (Annexure P-9), 12.10.2023 (Annexure P-10), and 09.11.2023 (Annexure P-11) applied Central Pay Scales for employees recruited after 17.07.2020. Hence this writ petition.

4. Learned counsel for the petitioners, *inter alia*, contends that the petitioners were appointed by respondent/Corporation on compassionate grounds as they are dependents of the deceased employees of respondent/Corporation. They submitted their applications in the year 2019 in terms of the compassionate appointment policy of the respondent/Corporation. The petitioners along with others, whose cases were covered under the policy were granted compassionate appointment vide Annexures P-6 and P-7, respectively. The Circular dated 17.07.2020, issued by Government of Punjab, regarding implementation of the recommendation of 7<sup>th</sup> Pay Commission was



adopted by the respondent/Corporation on 28.07.2020. The Finance Circular No.06 dated 28.07.2020 (Annexure P-5) was adopted in toto and on the basis of the said Finance Circular, the pay of the petitioners was fixed without amending the applicable Rules. In the meantime, an advertisement was issued for direct recruitment of certain set of employees prior to issuance of Finance Circular No.06 dated 28.07.2020 (Annexure P-5). Admittedly, these selected candidates joined the respondent/Corporation after implementation of the said Finance Circular as adopted by the respondent/Corporation. The pay of the these candidates has been fixed in terms of the applicable rules and rigors of Finance Circular were not invoked while fixing their pay scales. The petitioners have been discriminated only on the mode of appointment. Further, the Finance Circular issued by the executive instructions in the shape of circulars cannot supersede the Punjab State Electricity Board Ministerial Services Third Class Regulations, 1985 (in short 'Regulations of 1985'). "Appendix A" attached with Regulations of 1985, provides for particulars of the post and the applicable pay scales, which were further amended from time to time and the pay of the petitioners was required to be fixed in terms of the Rules, which were applicable at the time of joining of the petitioners. There is no denial to the fact that Regulations of 1985, were modified by notifying the Punjab State Power Corporation (Revised Pay) Regulation, 2021, on 05.07.2021, much later than the joining of the petitioners. It is a trite



law that the executive instructions in the shape of circulars cannot supersede the statutory rules.

5. Learned counsel for the petitioners, in support of his arguments, has relied upon the judgment passed by this Court in **CWP No.15896 of 2023** and connected matters, titled as ***Saurabh Sharma and others vs State of Punjab and another***, decided on **13.09.2024** and submits that where statutory rules prescribe the pay scale of a post, such rules have overriding effect and cannot be superseded by executive instructions or circulars. This Court held that applying circulars in place of rules amounts to discrimination, and unless the rules are duly amended, pay fixation must strictly follow them. On the same analogy, the petitioners' pay ought to be fixed under the Regulations of 1985, applicable on their date of appointment, rendering reliance on Finance Circular No.06 dated 28.07.2020 unsustainable.

6. *Per contra*, learned counsel for the respondent/Corporation submits that the claim of the petitioners with regard to grant of salaries in terms of 6<sup>th</sup> Punjab Pay Commission, who applied for recruitment on compassionate grounds before 07.07.2020, was considered by the Board of Directors in its 112<sup>th</sup> Meeting held on 04.02.2025. The Board has resolved to seek clarification from the State Government and the matter is forwarded to the State Government in this regard and the orders passed by the State Government would be implemented in the case of the petitioners.



7. Learned counsel for the respondent/Corporation is not in a position to deny the fact that Rules revising the pay scales in terms of 7<sup>th</sup> Central Pay Commission were notified only on 05.07.2021.

8. I have heard learned counsel for the parties and perused the record with their able assistance.

9. Having considered the rival contentions of learned counsel for the parties, this Court finds merit in the claim of the petitioners. The petitioners' appointments were initiated and sanctioned prior to the Notification dated 17.07.2020, and their entitlement to pay scales stood crystallized under the statutory Regulations of 1985, which had not been amended till 05.07.2021. The subsequent application of Finance Circular No.06 dated 28.07.2020 to the petitioners, without statutory backing, is contrary to law. The stand of the respondent/Corporation that the matter is pending before the State Government does not dilute the settled legal principle that statutory rules prevail over executive instructions.

10. A Coordinate Bench of this Court in ***Saurabh Sharma's case (supra)*** has held that any executive instructions would not dilute or dislodge the implications of the applicable statutory rules. Speaking through Justice H.S. Sethi, the following observations were made:

*'...11. In the present petitions, the pay scale of the post in question has been described in the 2016 Rules itself, hence, it cannot be said that by the Instructions dated 17.07.2020, respondents were supplementing the Rules. Rather the Instructions dated 17.07.2020 are*



*contrary to the 2016 Rules qua the pay scale of the post on which petitioners are working and hence, said Instructions dated 17.07.2020 cannot be made operational till 2016 Rules are amended.*

*xxxx*

14. *Hence, once the 2016 Rules governing the service which have a statutory force, are operational and prescribes a particular pay scale for the post being held by the petitioners and have not been amended so far, the same has to be made applicable by ignoring the Instructions dated 17.07.2020, which are contrary to 2016 Rules, hence the respondents are directed to grant the petitioners the pay scale as envisaged under 2016 Rules i.e. ₹37,400 - ₹67,000/-+₹8600/- Grade Pay..'*

11. The decision taken by the Single Bench of this Court in **CWP No.15896 of 2023** was upheld by the Division Bench of this Court in **LPA No.2977 of 2024** titled as '**State of Punjab and another Vs. Dr. Saurabh Sharma and others**' wherein speaking through Justice Anupinder Singh Grewal, the following was opined:

*'...6. It is manifest that the respondents having been appointed under 2016 Rules were entitled to the pay scales as prescribed thereunder. Merely because in the advertisement/appointment letters, the State had prescribed a lower pay scale, the same cannot come in the way of the respondents, seeking the enforcement of their lawful rights of getting the pay scales as prescribed under the statutory rules. It is trite that the executive instructions cannot override the statutory rules. In the event of the State intending to provide another or lower*



*pay scales, the proper course to be adopted was the amendment of the rules. There is no dispute that the aforesaid rules have not been amended. Executive instructions would have the force of law only in the absence of statutory rules or to fill the gaps in the statutory rules which is not there in the case at hand.*

*8. Reference can be made to the judgments of Supreme Court in the cases of **Union of India Vs. Majji Jangamayya, (1977) 1 SCC 606, Union of India Vs. Ashok Kumar Aggarwal, (2013) 16 SCC 147, Krishna Rai (dead) through LRs and others Vs. Banaras Hindu University through Registrar and others in Civil Appeal Nos.4578-4580 of 2022 decided on 16.06.2022 and Civil Appeal No.152 of 2022 titled The Employees' State Insurance Corporation Vs. UOI and others, decided on 20.01.2022, whereby it has been held that in the event of conflict between statement in advertisement and service regulations, latter shall prevail...***

12. It must be noted that instructions dated 17.07.2020 (Annexure P-7) are executive in nature while the Regulations of 1985 under which the appointment of the petitioners was made are statutory in nature. Executive or administrative instructions do not have the authority to amend, override or supplement statutory rules, nor can any such instructions be issued in derogation of the statutory framework. This is for the reason that administrative directions, being non-statutory in character, do not carry the force of law. On the contrary, statutory instructions, framed under the authority of an enabling statute, have the binding force of law, provided they are consistent with and not



repugnant to the parent Act. Thus, while statutory rules occupy the field with full legal sanctity, mere executive instructions cannot operate to curtail, modify or expand their scope. (Reference in this regard can be made to *State of U.P. v. Babu Ram Upadhyaya*, AIR 1961 Supreme Court 751; *B.N. Nagarajan v. State of Karnataka*, AIR 1979 Supreme Court 1676; *State of Tamil Nadu v. M/s. Hind Stone*, AIR 1981 Supreme Court 711); *P.D. Aggarwal v. State of U.P.*, (1987)3 SCC 622: (AIR 1987 Supreme Court 1676); *State of Maharashtra v. Jagannath Achyut Karandikar*, AIR 1989 Supreme Court 1133; *State of Madhya Pradesh v. G.S. Dall & Flour Mills*, AIR 1991 Supreme Court 772; *C. Rangaswamaiah v. Karnataka Lokayukta*, 1998(3) RCR (Criminal) 547: AIR 1998 Supreme Court 2496).

13. In addition to the implementation of the instructions dated 17.07.2020, the petitioner(s) in CWP-27272-2025 has raised grievance with regard to discriminatory approach of the respondent-Corporation by creating two classes within the same group of employees governed by the same Rules, solely on the basis of their date of appointment. This issue also stands settled by the judgment rendered by a Coordinate Bench of this Court in CWP No.17461 of 2000 titled as *Jagdish Chander Yadav and another Vs. Sant Longowal Institute of Engineering & Technology*, which was further affirmed by Division Bench of this Court in LPA No.366 of 2014 wherein speaking through Justice Jasbir Singh, the following was observed:-

“...The learned Single Judge, while allowing claim



*of the respondents, observed as under:*

*'...That apart, the whole stand of the respondents is illogical. Firstly, they create a discrimination between the employees/Technicians who were given employment prior to 1.9. 1993 and those appointed subsequent to 1.9.1993. Subsequently, the situation was further worsened by the Government of India by initially saying that the pay-scales of the employees of the Institute are having different qualifications than the ones working in the NIT, but at the same time by giving options to them, they permitted them higher pay-scale without even any remote reference to the difference in qualifications which they now insist upon to deny the petitioners their claim.*

*It is evident that within the very same Institute, the respondents have carved out an artificial distinction for the employees having similar qualifications and performing the same functions on the question of admissibility of pay-scales which is clearly hit by Article 14 of the Constitution of India. Being discriminatory, such an action is therefore, unsustainable in the eyes of law."*

*It was rightly noticed that qua employees of the same category in the same institution, different pay scales cannot be provided. To carve out distinction between the employees in the same category, no explanation has been given by the appellant. The action being contrary to the provisions of Article 14 of the Constitution of India was rightly set aside by the learned Single Judge.'*

14. Consequently, all the captioned writ petitions are allowed.

The respondent/Corporation are directed to fix the pay of the petitioners strictly in terms of the applicable Rules as on the date of their appointment, and to release the consequential benefits including arrears within a period of three months from date of receipt of certified copy of



this order. Needless to say, the issue with regard to payment of fixed emoluments during the probation period shall remain subject to the outcome of SLP (Civil) No.44844 of 2023, titled *Ajay Kumar Singla and others vs State of Punjab and others*, pending before the Hon'ble Supreme Court.

15. Pending miscellaneous application, if any, also stands disposed of.

16. A photocopy of this order be placed on the file of other connected cases.

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

**17.09.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No