2026:PHHC:004758

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP-18478-2015

Naresh Kumar and others

....Petitioners

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others

....Respondents

2. CWP-18476-2015

Jagjeet Singh Kushwaha and others

....Petitioners

Versus

Haryana Power Generation Corporation Limited and others

....Respondents

3. CWP-18432-2015

Sumit Goyal and others

....Petitioners

Versus

Haryana Vidyut Parsaran Nigam Limited and others

....Respondents

4. CWP-4712-2021

D.N. Singh

....Petitioner

Versus

Haryana Power Generation Corporation Limited and others

....Respondents

5. CWP-24870-2023

Rajinder Verma

....Petitioners

Versus

Haryana Vidyut Parsaran Nigam Limited and others

....Respondents

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1.	**Date when judgment was reserved**	**12.01.2026**
2.	**Date of pronouncement of judgment**	**15.01.2026**
3.	**Date of uploading judgment**	**15.01.2026**
4.	**Whether operative part or full judgment is pronounced**	**Full**
5.	**Delay, if any, in pronouncing of full judgment and reasons thereof**	**Not Applicable**

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Malik, Sr. Advocate
with Mr. Sandeep Dhull, Advocate
for the petitioner(s)
in CWP Nos.18478, 18476, 18432 of 2015.

Mr. Maninder Singh Saini, Advocate
for the petitioner in CWP-4712-2021.

Mr. Pravindra Singh Chauhan, Advocate General,
Haryana with Mr. Sanjiv Kaushik, Addl. A.G., Haryana
and Ms. Rajni Gupta, Advocate
for respondents in CWP-18478-2015, CWP-18476-2015
CWP-18432-2015, CWP-4712-2021 & CWP-24870-2023.

Mr. Piyush Khanna, Addl. A.G., Haryana
for respondents No.1 and 2 in CWP-18476-2015.

Mr. Rajesh Gaur, Advocate
for the respondents in CWP-18478-2015,
CWP-24870-2023 and CWP-4712-2021.

HARPREET SINGH BRAR J. (Oral)

1. This order shall dispose of the above-mentioned writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CWP-18478-2015.

2. The writ petition (CWP-18478-2015) has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in

the nature of *mandamus* directing respondents No.1 and 2 to implement the decision of their Board of Directors dated 25.11.2009 (Annexure P-4) and to grant the revised pay scales and all consequential benefits.

FACTUAL BACKGROUND

3. Briefly stated, the genesis of the dispute lies in the bifurcation and re-organisation of the erstwhile Haryana State Electricity Board (HSEB). Admittedly, HSEB was first bifurcated into Haryana Vidyut Prasaran Nigam Ltd. (HVPNL) and Haryana Power Generation Corporation Ltd. (HPGCL). Later, HVPNL was trifurcated into HVPNL, Uttar Haryana Bijli Vitran Nigam Ltd. (UHBVNL) and Dakshin Haryana Bijli Vitran Nigam Ltd. (DHBVNL). Persons in the officers category including the petitioners, were allocated to these successor companies on an "as is where is" basis.

4. To maintain coordination and uniformity in organisational matters, including pay scales, across the four power utilities (HVPNL, HPGCL, UHBVNL, DHBVNL), the Government of Haryana, Power Department, vide letter dated 09.05.2009 (Annexure P-1), decided to constitute a Coordination Committee of the Managing Directors of these utilities. This Committee was constituted on 11.05.2009 (Annexure P-2). The Coordination Committee, in its recommendations (Annexure P-3), *inter alia*, recommended the revision of pay scales for Finance, Audit and Accounts Officers to bring them at par with Engineering cadres.

5. These recommendations were placed before the Board of Directors (hereinafter 'BoD') of DHBVNL and in its meeting held on 25.11.2009 (Annexure P-4), the BoD approved the recommendations. It was decided that Accounts Officers shall be entitled to the pay scale of Rs 15600-39100+ Grade pay of Rs.6400/- (PB-3) after rendering 5 years service and further entitled to the scale of Rs. 37400-67000 + Grade Pay of Rs. 8700/- (PB-4) after rendering 12 years service. Senior Accounts Officers were held entitled to the scale of Rs. 37400-67000 + Grade Pay of Rs. 8800/-. Despite the BoD's approval, the decision was not implemented. The case of the petitioners is that the Managing Director, although under no obligation, referred the BoD's decision to the Haryana Bureau of Public Enterprises (HBPE) for approval (Annexure P-5). The HBPE did not approve the proposal (Annexure P-6). Consequently, the pay revision for the petitioners was stalled on the ground that HBPE's approval was pending/not granted.

6. An identical situation arose in Uttar Haryana Bijli Vitran Nigam Ltd. (UHBVNL), where its BoD had also approved similar pay revisions based on the Coordination Committee's recommendations. When HBPE rejected it, the affected employees filed **CWP No.9262 of 2012**, ('***Pawan Kumar & Ors. vs. UHBVN Ltd. & Ors***'.). The Coordinate Bench of this Court, vide judgment dated 12.09.2013 (Annexure P-7), allowed the writ petition, holding that as per the Articles of Association (hereinafter 'AoA'), the BoD was the competent authority to revise pay scales and HBPE had no role to play. This

judgment was upheld by the Division Bench in LPA No.383 of 2014 (Annexure P-8) and the SLP against it was dismissed by the Hon'ble Supreme Court on 14.08.2015 (Annexure P-9). Consequently, the benefit was extended to the similarly situated employees in UHBVNL.

7. While the petitioners' writ petition was pending, the BoD of DHBVNL, in a meeting held on 02.06.2016 (communicated vide order dated 06.07.2016, Annexure P-11), withdrew its earlier decision dated 25.11.2009 on the ground of the corporation's weak financial position and inability to bear the extra burden. Aggrieved by the non-implementation of the 2009 decision and its subsequent withdrawal, the petitioners have filed the present writ petition, seeking the reliefs as prayed for.

CONTENTIONS

8. Learned counsel for the petitioners *inter alia* contends that the BoD is the supreme executive body empowered to appoint, fix salaries, and determine service conditions of employees. Reliance in this regard is placed on Article 43(14) of the Articles of Association of DHBVNL. The BoD, being the competent authority, took a conscious decision on 25.11.2009. Once such a decision is taken, it is binding and must be implemented. The respondents' failure to do so is illegal and arbitrary, violating the petitioners' legitimate expectations and accrued rights.

9. It was vehemently argued that the HBPE has no jurisdiction to interfere with or veto the pay revision decisions of the BoD of an

independent government company. The reference to HBPE was itself without authority and the BoD's decision cannot be held hostage to the approval of HBPE. Learned counsel submitted that the aforesaid issue is no longer *res integra* and stands squarely covered by the judgment of this Court in **CWP No.9262 of 2012**, titled as '***Pawan Kumar & Ors. vs. UHBVN Ltd. & Ors***.' which has attained finality up to the Supreme Court. The legal principle that the BoD is the competent authority and HBPE has no say has been conclusively settled. There is no justification for DHBVNL to take a contrary stand, leading to hostile discrimination against the petitioners vis-à-vis their counterparts in UHBVNL.

10. Learned counsel also referred to Section 24 of the Haryana Electricity Reforms Act, 1997 and the corresponding Transfer Scheme Rules of 1998 and 1999 (Clause 11(a) and Clause 8(5)) and contended that these provisions mandate that the terms and conditions of service, including pay, of transferred employees shall not be less favourable and that uniformity should be maintained amongst the successor companies. Since similarly situated Accounts Officers/Senior Accounts Officers in UHBVNL are receiving the revised scales, denying the same to the petitioners violates this statutory mandate.

11. It is argued that the posts of Accounts Officers are filled through a common selection process via a combined advertisement for all power utilities (Annexure P-10). After selection, candidates are deputed to different utilities. When recruitment, qualifications, and duties are identical, there is no rationale for denying parity in pay scales

across the utilities. This creates an absurd and unjust situation where officers selected together are paid differently based solely on the company they are allocated to.

12. It is further submitted that the subsequent decision of the BoD (Annexure P-11) regarding the withdrawal of the earlier decision dated 25.11.2009 was made to circumvent the judgment of this Court in ***Pawan Kumar (supra)*** and is on the face of it illegal and liable to be set aside. It is argued that the primary reason for withdrawal, i.e, 'weak financial position,' is demonstrably wrong. The financial data for 2009-10 (loss of 633.17 crores) and 2015-16 (loss of 480 crores) shows the financial position had improved when the benefit was withdrawn. Furthermore, UHBVNL, with higher accumulated losses, continues to grant the benefit. Moreover, the accrued right under the 2009 decision was withdrawn without granting any opportunity of hearing to the petitioners.

13. *Per contra*, learned counsel for respondents submits that the writ petition has become infructuous because the very decision (dated 25.11.2009) which the petitioners seek to enforce, was withdrawn by the competent authority (the BoD) itself vide its subsequent decision dated 02.06.2016/06.07.2016 (Annexure R-1/P-11). The BoD is fully competent under Article 41(3) & 43 of the AoA to review and withdraw its earlier decisions, especially in the interest of the Nigam.

14. Relying on notifications/circulars issued by the Finance Department, Government of Haryana, dated 20.10.1989, 15.12.2000,

22.08.2005, 02.06.2006, and 07.01.2016, it was submitted that all proposals concerning creation/upgradation of posts and revision of pay scales in State Public Enterprises must be approved by the Standing Committee of the HBPE after due approval by the Administrative Department. Furthermore, it was pointed out that DHBVNL carried out an amendment to its Articles of Association on 29.09.2020 by inserting Clause 68 (Annexure R-1/7), which expressly mandates that the BoD shall refer matters like pay revision to the State Finance Department/HBPE through the administrative department. The amendment is reproduced as under:

> *"68 Board of Directors along with its recommendations shall refer for consideration and approval of all such matters like revision of pay scales, creation/upgradation of the posts etc. to the State Finance Department/HBPE through the administrative departments which are mandatorily required to be so referred in accordance with the specific instructions issued from time to time."*

15. Learned counsel submitted that the withdrawal was justified on the grounds of severe financial distress. The accumulated loss of DHBVNL as on 31.03.2018 was 13,790 crores (Annexure R-2/1). Granting the benefit would entail an annual recurring burden of approximately 72.8 lakhs and arrears of about 2.77 crores (for the period 01.09.2015 to 31.03.2019), with additional pension liabilities. The BoD has a fiduciary duty to manage finances prudently and cannot burden the corporation, which would ultimately lead to higher costs for the public.

16. It was argued that granting the benefit to the accounts cadre would have a cascading effect and trigger similar demands from other cadres like Under Secretaries and Senior Private Secretaries, with an estimated additional liability of 1.03 crores. Further, it was denied that there is any parity between Senior Accounts Officers and Executive Engineers (XENs), as the qualifications, nature of work, and recruitment channels are completely different. Moreover, reliance was placed on a judgment by a co-ordinate bench of this Court in ***Ganga Ram vs. State of Haryana & Ors.*** (**CWP No.17700 of 2017**), where a similar claim for parity with Executive Engineers was rejected, emphasizing the need for HBPE approval and the distinct legal identity of the companies.

17. Learned counsel contended that each power utility is a separate legal entity with its own management and financial condition. A decision taken by UHBVNL or its BoD does not *ipso facto* create a legal obligation for DHBVNL to follow suit.

OBSERVATION & ANALYSIS

18. I have heard the learned counsel for the parties and have perused the record with their able assistance. The doctrine of 'Equal Pay for Equal Work' is deeply rooted in the constitutional philosophy and reflects the values that the State stands for. While Article 14 of the Constitution of India forbids arbitrary discrimination sans an intelligible differentia, Article 39(d) highlights the intention of the framers to provide equal pay for equal work, for men and women alike. The said provisions read as follows:

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> "***Article 14- Equality before law***
>
> *The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.*
>
> ***Article 39- Certain Principles of Policy to be Followed by the State***
>
> *The State shall, in particular, direct its policy towards securing—*
>
> *(d) that there is equal pay for equal work for both men and women;"*

19. Certainly, Article 39(d) forms a part of Directive Principles of State Policy and is non-justiciable in itself, however, the doctrine of Equal Pay for Equal Work has been elevated into an enforceable constitutional right by means of Article 14 and 16, aided by the constitutional promise of social justice. A three-Judge bench of the Hon'ble Supreme Court in ***Randhir Singh Vs. Union of India 1982(1) SCC 618***, while speaking through Justice O. Chinnappa Reddy, made the following observations in this regard:

> *"8. It is true that the principle of 'equal pay for equal work' is not expressly declared by our Constitution to be a fundamental right. But it certainly is a Constitutional goal. Article 39(d) of the Constitution proclaims 'equal pay for equal work for both men and women' as a Directive Principle of State Policy.* ***'Equal pay for equal work for both men and women' means equal pay for equal work for everyone and as between the sexes. Directive principles, as has been pointed out in some of the judgments of this Court have to be read into the fundamental rights as a matter of interpretation. Article 14 of the Constitution enjoins the state not to deny any person equality before the law or the equal protection of***

the laws and Article 16 declares that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. These equality clauses of the Constitution must mean some thing to everyone. To the vast majority of the people the equality clauses of the Constitution would mean nothing if they are unconcerned with the work they do and the pay they get. To them the equality clauses will have some substance if equal work means equal pay. *Whether the special procedure prescribed by a statute for trying alleged robber-barons and smuggler kings or for dealing with tax evaders is discriminatory, whether a particular Governmental policy in the matter of grant of licences or permits confers unfettered discretion on the Executive, whether the takeover of the empires of industrial tycoons is arbitrary and unconstitutional and other questions of like nature, leave the millions of people of this country untouched. Questions concerning wages and the like, mundane they may be, are yet matters of vital concern to them and it is there, if at all that the equality clauses of the Constitution have any significance to them. The preamble to the Constitution declares the solemn resolution of the people of India to constitute India into a Sovereign Socialist Democratic Republic. Again the word 'Socialist' must mean something. Even if it does not mean 'To each according to his need' , it must atleast mean 'equal pay for equal work'. The principle of 'equal pay for equal work' is expressly recognised by all socialist systems of law, e.g., Section 59 of the Hungarian Labour Code, para 2 of Section 111 of the Czechoslovak Code, Section 67 of the Bulgarian Code, Section 40 of the Code of the German Democratic Republic, para 2 of Section 33 of the Rumanian Code. Indeed this principle has been incorporated in several western labour codes too. Under provisions in Section 31(g.No. 2d) of Book 1 of the French Code du Travail, and according to Argentinean law, this principle must be applied to female workers in all collective bargaining agreements. In accordance with*

> *Section 3 of the Grundgesetz of the German Federal Republic, and clause 7, Section 123 of the Mexican Constitution, the principle is given universal significance (vide : International Labour Law by Istvan Szaszy p. 265). The preamble of the Constitution of the International Labour Organisation recognises the principle of 'equal remuneration for work of equal value' as constituting one of the means of achieving the improvement of conditions "involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled" .* ***Construing Articles 14 and 16 in the light of the Preamble and Article 39(d) we are of the view that the principle 'Equal pay for Equal work' is deducible from those Article and may be properly applied to cases of unequal scales of pay based on no classification or irrational classification though these drawing the different scales of pay do identical work under the same employer.”***
>
> *(emphasis added)*

20. Thus, allowing a State employer to pay unequal wages for identical work would essentially amount to validating whimsical discrimination which would force vulnerable workers into involuntary submission, compelling them to choose between survival and self-respect. Such affront to human dignity is unacceptable being in direct violation of Articles 14 and 21. For any classification to be acceptable, an intelligible differentia and a rational nexus to its object must be clearly made out. In absence of the same, such conduct is plainly exploitative, which is especially deplorable in a welfare State like ours.

21. Furthermore, it is no longer *res integra* that the application of the doctrine of Equal Pay for Equal Work is strictly contingent upon

the claimant successfully demonstrating that they are being paid less for the duties, functions, qualifications, responsibilities, and quantum of work they perform despite their being identical in nature and quality to the employees with whom parity is sought. Once it is established that the similarity is not merely superficial but the claimant is substantially interchangeable with their better-paid counterparts with respect to performance of core functions of the post, the two sets of employees cannot be paid different wages regardless of whether they are ad-hoc, daily wage, temporary, contractual, or casual employees.

22. A two Judge Bench of the Hon'ble Supreme Court in ***State of Punjab Vs. Jagjit Singh 2017(1) SCC 148*** has discussed the applicability of the doctrine of Equal Pay for Equal Work *in extenso* and speaking through Justice Jagdish Singh Khehar, made the following observations,

> *"44. We shall first outline the conclusions drawn in cases where a claim for pay parity, raised at the hands of the concerned temporary employees, was accepted by this Court, by applying the principle of 'equal pay for equal work', with reference to regular employees:*
>
> > *(i) In the **Dhirendra Chamoli** case this Court examined a claim for pay parity raised by temporary employees, for wages equal to those being disbursed to regular employees. The prayer was accepted. **The action of not paying the same wage, despite the work being the same, was considered as violative of Article 14 of the Constitution.** It was held that the action amounted to exploitation - in a welfare state committed to a socialist pattern of society.*

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*(ii) In the **Surinder Singh** case this Court held that the right of equal wages claimed by temporary employees emerged, inter alia, from Article 39 of the Constitution. The principle of 'equal pay for equal work' was again applied, where the subject employee had been appointed on temporary basis, and the reference employee was borne on the permanent establishment. The temporary employee was held entitled to wages drawn by an employee on the regular establishment. In this judgment, this Court also took note of the fact that the above proposition was affirmed by a Constitution Bench of this Court, in the **D.S. Nakara** case.*

*(iii) In the **Bhagwan Dass** case this Court recorded that **in a claim for equal wages, the duration for which an employee would remain (or had remained) engaged, would not make any difference. So also, the manner of selection and appointment would make no difference.** And therefore, whether the selection was made on the basis of open competition or was limited to a cluster of villages, was considered inconsequential, insofar as the applicability of the principle is concerned. **And likewise, whether the appointment was for a fixed limited duration (six months, or one year), or for an unlimited duration, was also considered inconsequential, insofar as the applicability of the principle of 'equal pay for equal work' is concerned.** It was held that the **claim for equal wages would be sustainable where an employee is required to discharge similar duties and responsibilities as regular employees, and the concerned employee possesses the qualifications prescribed for the post.** In the above case, this Court rejected the contention advanced on behalf of the Government that the plea of equal wages by the employees in question was not sustainable because*

the concerned employees were engaged in a temporary scheme, and against posts which were sanctioned on a year-to-year basis.

(iv) In the ***Daily Rated Casual Labour Employed under P&T Department through Bhartiya Dak Tar Mazdoor Manch*** *case this Court held that under principle flowing from Article 38(2) of the Constitution,* ***Government could not deny a temporary employee at least the minimum wage being paid to an employee in the corresponding regular cadre, along with dearness allowance and additional dearness allowance, as well as all the other benefits which were being extended to casual workers.*** *It was also held that the classification of workers (as unskilled, semi-skilled and skilled), doing the same work, into different categories, for payment of wages at different rates, was not tenable. It was also held that such an act of an employer would amount to exploitation, and further that the same would be arbitrary and discriminatory, and therefore violative of Articles 14 and 16 of the Constitution.*

(v) In ***State of Punjab v. Devinder Singh****, (1998) 9 SCC 595, this Court held that* ***daily-wagers were entitled to be placed in the minimum of the pay-scale of regular employees, working against the same post.*** *The above direction was issued after accepting that the concerned employees were doing the same work as regular incumbents holding the same post, by applying the principle of 'equal pay for equal work'.*

(vi) In the ***Secretary, State of Karnataka*** *case, a Constitution Bench of this Court set aside the judgment of the High Court, and directed that daily-wagers be paid salary equal to the lowest grade of salary and allowances being paid to regular*

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employees. Importantly, in this case, this Court made a very important distinction between pay parity and regularisation. It was held that the concept of equality would not be applicable to issues of absorption/regularisation. ***But the concept was held as applicable, and was indeed applied, to the issue of pay parity - if the work component was the same.*** *The judgment rendered by the High Court was modified by this Court, and the concerned daily-wage employees were directed to be paid wages equal to the salary at the lowest grade of the concerned cadre.*

(vii) In ***State of Haryana v. Charanjit Singh****, 2006 (3) S.C.T. 170 : (2006) 9 SCC 321, a three-Judge Bench of this Court held that the decisions rendered by this Court in* ***State of Haryana v. Jasmer Singh****, (1996) 11 SCC 77;* ***State of Haryana v. Tilak Raj****, 2003 (4) S.C.T. 485 : (2003) 6 SCC 123; the* ***Orissa University of Agriculture & Technology*** *case; and* ***Government of W.B. v. Tarun K. Roy****, 2004 (1) S.C.T. 78 : (2004) 1 SCC 347, laid down the correct law. Thereupon, this Court declared that* ***if the concerned daily-wage employees could establish that they were performing equal work of equal quality, and all other relevant factors were fulfilled, a direction by a Court to pay such employees equal wages (from the date of filing the writ petition) would be justified.***

(viii) In ***State of U.P. v. Putti Lal****, (2006) 9 SCC 337, based on decisions in several cases (wherein the principle of 'equal pay for equal work' had been invoked), it was held that a* ***daily-wager discharging similar duties as those engaged on regular basis, would be entitled to draw his wages at the minimum of the pay-scale (drawn by his counterpart appointed on regular basis)****, but would not be entitled to any other allowances or increments.*

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> *(ix) In the* ***Uttar Pradesh Land Development Corporation*** *case this Court noticed that the* ***respondents were employed on contract basis, on a consolidated salary. But, because they were actually appointed to perform the work of the post of Assistant Engineer, this Court directed the employer to pay the respondents wages in the minimum of the pay-scales ascribed for the post of Assistant Engineer.***
>
> *XXX*
>
> *55. In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour.* ***An employee engaged for the same work, cannot be paid less than another, who performs the same duties and responsibilities. Certainly not, in a welfare state. Such an action besides being demeaning, strikes at the very foundation of human dignity. Any one, who is compelled to work at a lesser wage, does not do so voluntarily. He does so, to provide food and shelter to his family, at the cost of his self respect and dignity, at the cost of his self worth, and at the cost of his integrity.*** *For he knows, that his dependents would suffer immensely, if he does not accept the lesser wage.* ***Any act, of paying less wages, as compared to others similarly situated, constitutes an act of exploitative enslavement, emerging out of a domineering position.*** *Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation."*
>
> *(emphasis added)*

23. Adverting to the facts of the present case, notably, there is no denial on the part of the respondents that the petitioners perform duties, functions, and responsibilities identical to those of their similarly situated counterparts, namely Accounts Officers/Senior Accounts

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Officers in UHBVNL, and that they possess the same qualifications. It is also undisputed that such counterparts are drawing pay scales approved by the UHBVNL Board of Directors on the basis of the same recommendations of the Coordination Committee. The respondents have not been able to demonstrate any intelligible differentia or rational nexus to a legitimate object that would justify paying the petitioners a lower scale for identical work. The mere allocation to a different corporate entity (DHBVNL), which was a consequence of a statutory bifurcation over which the employees had no control, cannot constitute a valid ground for discrimination. The plea of separate legal identity, in the face of common recruitment, identical job profiles, and a statutory framework designed for parity, cannot be accepted to defeat the constitutional guarantee of equal pay for equal work. The subsequent decision of the BoD dated 02.06.2016/06.07.2016 (Annexure P-11), withdrawing the approval dated 25.11.2009 (Annexure P-4), was based primarily on grounds of financial constraint. However, the principle of 'Equal Pay for Equal Work' was not considered by the BoD while withdrawing its earlier decision.

24. Furthermore, the core issue regarding the competence of the BoD vis-à-vis the HBPE has been conclusively settled by the coordinate Bench of this Court in ***Pawan Kumar (supra)***, which has been upheld by the Division Bench of this Court in LPA No. 383 of 2014 vide judgment dated 18.02.2015 (Annexure P-8), and the Special Leave Petition was dismissed by the Hon'ble Supreme Court on 14.08.2015

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(Annexure P-9). The law is thus settled that the Board of Directors of the respondent-Nigam was the competent authority for pay revision, and the HBPE had no jurisdictional authority to interfere with or veto such a decision. Relevant paragraphs of the judgment of this Court in ***Pawan Kumar (supra)*** are reproduced as under:

> *"In the present case as per Article 43 of the Articles of Association the Board of Directors is competent to revise the pay scales of its employees.*
>
> *Clause 43 of the Articles of Association read as follow: -*
>
> *xx*
>
> ***The Board of Directors in view of above said article is competent to fix the salaries or emoluments or remuneration of its employees. Following the judgment in cases of Deva Singh (supra) and Surjit Singh (supra), I am of the considered opinion that the Board of Directors can take decision for grant of higher pay scales to the petitioners as mentioned in Annexure P8. It is also not out of place to observe here that pay scales had earlier been enhanced by the Board of Directors without the approval of Haryana Bureau of Public Enterprises in the case of other employees which is apparent from the following instances****: -*
>
> *xx*
>
> ***In view of above said circumstances, present writ petition is allowed and the order Annexure P8 dated 2.12.2012 declining the proposal of the Board of Directors by the Standing Committee of Bureau of Public Enterprises communicated through the Superintendent Power for Financial Commissioner and Principal Secretary to the Government of Haryana, Power Department, is hereby set aside. It will be open to the petitioners to seek implementation of the order of the Board of Directors and consequential reliefs in accordance with law as the financial burden is to be borne by none else but the Corporation itself.*** *It is left open to the Board of Directors*

to implement its decision with effect from any date decided by the Board."

(Emphasis added)

25. This Court is of the considered opinion that the respondents' reliance on the 2020 amendment to the AoA (insertion of Clause 68) is entirely misplaced. The amendment, which purports to mandate reference of pay revision matters to the HBPE, was introduced in September 2020. It cannot be applied retrospectively to validate the non-implementation of a decision validly taken by the competent BoD in November 2009, or to justify the reference made to HBPE around that time. The aforesaid amendment shall only operate prospectively.

CONCLUSION

26. In view of the foregoing discussion, the present petition(s) are disposed of with the following directions:

a. The impugned decision/order of the Board of Directors of DHBVNL dated 06.07.2016 (Annexure P-11), whereby the earlier decision dated 25.11.2009 was withdrawn, is hereby quashed and set aside.

b. The matter is remitted back to the Board of Directors of the respondent-DHBVNL. The BoD is directed to consider afresh the petitioners' grievance in light of the fact that the petitioners and their counterparts in UHBVNL, possessing identical qualifications and discharging identical duties, were appointed through a common selection process

pursuant to a combined advertisement for all power utilities and, despite such parity, are presently being paid differently.

c. The BoD shall take a fresh, reasoned decision in this regard and communicate the same to the petitioners within a period of six weeks from the date of receipt of a certified copy of this order.

27. Pending miscellaneous applications, if any, shall also stand disposed of.

28. A photocopy of this order be placed on the files of the connected cases.

(HARPREET SINGH BRAR)
JUDGE

15.01.2026
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No