

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

**CWP-19234 of 2015
DATE OF DECISION: 23.12.2015.**

MAHINDER SINGH

....PETITIONERS

VERSUS

PUNJAB STATE POWER CORPORATION LTD & ORS

....RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. P.K.Goklaney, Advocate for the petitioner(s).

Mr. R.L.Sharma, Advocate for the respondent(s)
(in CWPs No.19234, 19437, 19439, 19545, 23802,19555,
19566, 19585, 20146, 20200, 21603, 21604, 21609,21364,
22117, 22124, 22156, 22228, 22579, 19949, 19951,19956,
19955, 17841, 17842, 18460 and 18803 of 2015.

Mr. Vishal Chaudhri, Advocate for the respondent(s)
(in CWPs No.18321 & 18443 of 2015)

Ms. Meena Bansal, Advocate for the respondent(s)
(in CWP No.22580 of 2015)

Mr. Vinod S.Bhardwaj, Advocate for the respondent(s)
(in CWPs No.18670, 22227,19139,19142,19143, 22112 &
24331 of 2015)

LISA GILL, J. (ORAL)

This order, along with this writ petition, shall dispose of CWP Nos.19234, 19437, 19439, 19545, 18321, 18443, 23802,19555, 19566, 19585, 20146, 20200, 21603, 21604, 21609, 21364, 22117, 22580, 22124, 18670, 22227,19139,19142,19143, 22112, 24331, 22156, 22228, 22579, 19949, 19951, 19956, 19955, 17841, 17842, 18460 and 18803 of 2015.

Prayer in these writ petitions is for grant of benefit of promotion increment(s) to the petitioner(s) in view of the circular dated 23.04.1990 and in terms of decision dated 24.01.2012 in CWP No.10808 of 2007 upheld by the Division Bench of this Court on 03.07.2012 in LPA No.883 of 2012. Matter has attained finality with dismissal of SLP No.20468 of 2012 and

others. It is further submitted that this benefit has been afforded to similarly situated employees.

This Court on 23.12.2015, passed the following order:-

“Learned counsel for the respondents are unable to deny that the cases of those petitioner who have retired from service prior to 17th March, 2010 are covered by various decisions of this Court, specifically decision dated 24th January, 2012 in CWP No.10808 of 2007. LPA No.883 of 2012 preferred against the said decision was dismissed on 3rd July, 2012. SLP No.20468 of 2012 and other connected matters were also dismissed on 18th January, 2013. Decision dated 24.01.2012 having attained finality, petitioners are entitled to similar benefit. It is thus submitted that it is necessary to segregate the cases where petitioners had retired prior to 17th March, 2010 and those who retired thereafter.

Contention raised by the respondents is that, validity of circular dated 17th March, 2010 has never been considered by the Courts at an earlier point of time qua post 17.03.2010 retirees. Condition at Clause No.7 and 8 in circular of the year 1990 (Annexure P-1) had been scrapped with retrospective effect in respect to grant of benefit of promotional increment on completion of 23 years of regular service.

Question of retrospective application of the said circular of 2010 has been considered and discarded by this Court. It has been held by the Division Bench in LPA No.883 of 2012, that employees retiring prior to 2010 shall

be governed by circular dated 23rd April, 1990.

Learned counsel for the parties pray for time to submit a list of cases where the petitioners have retired prior to 17th March, 2010.

List on 23.12.2015.

In the meantime, learned counsel for the respondents is directed to place on record circular dated 17th March, 2010.”

Consequently a list of thirty seven (37) cases had been handed over by the counsel for the petitioner(s) to learned counsel for the respondents, wherein the petitioners have retired prior to 17.03.2010. It is not denied that the above said cases are covered by the decisions referred to above.

Accordingly, all the said writ petitions are disposed of in terms of decision dated 24.01.2012 passed in CWP No.10808 of 2007. Claim of the petitioners would obviously be restricted to 38 months prior to the filing of their respective writ petitions. It is clarified that the petitioners would be required to fulfill all the other conditions as are specified in Circular dated 23.04.1990.

December 23, 2015

ps-l

**(LISA GILL)
JUDGE**