

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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RSA No. 3405 of 2015 (O&M)

Date of decision : July 23, 2015

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Punjab State Power Corporation Ltd.
(Erstwhile Punjab State Electricity Board) through
its Chairman-cum-Managing Director, The Mall Patiala
.....Appellant

Versus

Prem Sagar Sharma
.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Roshan Lal Sharma, Advocate for the appellant.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

C.M No. 8258-C of 2015

C.M is allowed.

For the reasons mentioned in the application, delay of two days in filing the appeal is condoned.

RSA No. 3405 of 2015

Punjab State Power Corporation Ltd.-appellant-defendant (hereinafter referred to as 'the defendant') has come up in this regular second appeal against the judgment dated 31.3.2015 passed by the Additional District Judge, Patiala whereby the suit of the respondent-plaintiff (hereinafter referred to as 'the plaintiff') was decreed to the effect that the plaintiff was held entitled to 23 years promotional increment w.e.f 1.1.1996 and the order passed by the defendant denying the above said relief was declared null and void. The plaintiff was also held entitled to all the consequential benefits as per rules along with interest @ 12% per annum.

The plaintiff joined service as Apprentice Sub Station Assistant on 14.2.1970 and was appointed as Regular SSA on 14.2.1971. He was promoted to the post of SSO On 19.1.1985 and retired on 29.2.2004. The above said facts are not in dispute between the parties. On 14.2.1987, 16 years increment was granted to the plaintiff. The plaintiff claimed in the present suit that on the basis of Circular No. 17/1990, he was entitled to 23 years promotional increment w.e.f 1.1.1996. This circular was further modified by way of Finance Circular No. 52/1999. As per Circular No. 17/90, there was a condition that the employee should not be benefited by the scheme of 9/16 years time bound promotional scale to get 23 years promotional increment. But by way of Finance Circular No. 52/99, the PSEB decided in principles that proviso no. (i) of para-2 of Circular no. 17/90 will be deleted w.e.f 1.1.1996. Hence it was clarified that even if an employee had been benefitted by a scheme of 9/16 years time bound promotional scale, he shall be entitled to claim 23 years promotional increment. The other condition was that he should not have earned three regular promotions in his career and also not earned 3rd promotion in his regular service between 16-23 years of service. Finance Circular No. 20/2000, proviso no. (i) was added as under:-

“The Punjab State Electricity Board is pleased to decide that he grand of benefit of promotional increment (s) to an employee on completion of 23 years service as envisaged in its O/O No. 384/Fin./PRC-121 dated

9.11.1999 will be governed by the following conditions:-

i) he/she has the avenue of three promotions but has not earned three regular promotions in his/her regular service from the date of joining on the induction post/or any other post specifically declared as induction post for granting time bound promotional/devised promotional scale.”

DW-1, Sarjiwan Kumar, Divisional Assistant stated that the plaintiff had not earned three regular promotions. The first promotion of Assistant Lineman is as Lineman, second as Junior Engineer and third as Junior Engineer-II/AEE. The plaintiff fulfilled the conditions of Finance Circular No. 17/90 with Circular No. 52/1999 and 20/2000

Appellate Court in paragraph 17 of its judgment has referred to the decisions made by this Court in writ petitions titled as ***Paul Singh vs. PSEB, Subhash Chander Sharma vs. PSEB, Mulakh Raj vs. PSEB and Sukhdev Dutt vs. PSEB***, whereby the benefit of 23 years increment was allowed to the employees of PSEB vide order dated 24.1.2012 and LPA filed by the Board against the orders passed by this Court in the above said writ petitions was also dismissed by this Court vide order dated 3.7.2012. Since the matter has attained finality, the suit of the plaintiff was decreed by the lower appellate Court and the judgment of the trial Court was set aside.

Counsel for the appellant has not been able to site any judgment to counter the LPA Bench of this Court which upheld the

grant of 23 years promotional increment to the employees of PSEB, as per the conditions of Finance Circular No. 17/90 with Circular No. 52/1999 and 20/2000, no substantial question of law arises for consideration in this regular second appeal as the matter is squarely covered in favour of the respondent.

In view of all that has been discussed above, judgment of the appellate Court does not require interference by this Court. Present regular second appeal is dismissed.

July 23, 2015
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(RITU BAHRI)
JUDGE