

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

**CWP-10994-2016 (O&M)
Date of decision: 20.12.2016**

Pritpal Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-11502-2016 (O&M)

Surinder Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-11505-2016 (O&M)

Ram Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-11528-2016 (O&M)

Paramjit Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-10994-2016 (O&M)

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CWP-11532-2016 (O&M)

Amrik Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-11612-2016 (O&M)

Gurnam Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-11633-2016(O&M)

Hardev Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-11674-2016(O&M)

Harmail Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-11716-2016(O&M)

Gurcharan Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-11717-2016(O&M)

Jagdev Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-11832-2016(O&M)

Pritam Ram

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-13905 -2016(O&M)

Darshan Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CWP-14600-2016(O&M)

Harinder Singh

.....Petitioner

versus

Punjab State Power Corportaion Limited and another

.....Respondents

CORAM Hon'ble Mr. Justice Kuldeep Singh

Present: Mr.S.S.Gurna, Advocate for the petitioner(s)
Mr.Roshan Lal Sharma, Advocate for the respondents

- 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?*

Kuldeep Singh, J. (Oral)

This judgment will dispose of the CWP-10994-2016, CWP-11502-2016, CWP-11505-2016, CWP-11528-2016, CWP-11532-2016, CWP-11612-2016, CWP-11633-2016, CWP-11674-2016, CWP-11716-2016, CWP-11717-2016, CWP-11832-2016, CWP-13905-2016 and CWP-14600-2016, involving the same dispute. However, for facility of reference, facts are being taken from CWP No.10994 of 2016.

Petitioners who were employees of PSEB (presently PSPCL) joined as ALM on various dates and ultimately retired from the service on various dates after completion of more than 23 years of service. The petitioners have claimed benefit of 23 years of advance promotional increment with effect from the date they completed 23 years of service as per Finance Circular No.17/90 dated 23.4.1990 (Annexure P1), as amended from time to time.

It comes out that the claim of the petitioners is squarely covered by a Division Bench judgment of this Court in LPA No.997 of 2016 titled as Punjab State Power Corporation Limited, Patiala through its Secretary and others vs. Nirmala Rani, alongwith other connected cases decided on 22.9.2016, wherein same Finance Circular No.17/90 dated 23.4.1990 was in issue, wherein it was held that the original finance circular of dated 23.4.1990 is not in accordance with law. It was held as under:-

“26. In conclusion, therefore, we have no hesitation in holding that the withdrawal of the benefit for promotional increment as contained in Feature Nos.7 and 8 of the original circular dated 23.04.1990 by the appellant authority has no validity in the eyes of law qua those employees who had already become eligible for promotion as on 17.10.2010 and who otherwise were eligible for the same by virtue of the eligibility criteria in force till that date. Of course such deletion of Feature Nos.7 and 8 would be valid prospectively as against the other class of employees, who did not meet up the prescribed criteria as noted in Para No.7 earlier, or had not yet put in the requisite length of service (23 years).”

It goes to show that the said circular has prospective effect.

It comes out that in CWP No.11502 of 2016, the petitioner did not complete 23 years of service as on the date of said notification. Therefore, he is not entitled to promotional increment in terms of the said notification. As such, CWP No.11502 of 2016 is dismissed.

In view of foregoing submissions in the light of the judgment of Division Bench of this Court in the case of Nirmala Rani (supra), respondents are directed to consider the promotional increment in terms of Nirmala Rani (supra) judgment. Re-fixation of the pay and retiral benefits of the petitioners be also done. Needful be done within three months from the date of receipt of a certified copy of this order.

A copy of the order be placed on the connected files.

20.12.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes/
No