

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3402 of 2012 (O&M)
Date of Decision:- 27.10.2016.

Dyal Singh

.....Appellant

Versus

Punjab State Electricity Board and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. P.K. Garg, Advocate for the petitioner.

Mr. Roshan Lal Gupta, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

Claim of the appellant in the present appeal is relating to grant of time bound promotion/increment on completion of 23 years of service as per circular dated 23.4.1990. His claim was declined by the respondents with reference to the circular issued on 17.3.2010 by which a condition was imposed that the employee is required to pass certain examination for the purpose of grant of time bound promotion/increment for completing 23 years of service. In the present case, the appellant attained age of superannuation and retired from service in the year 2004 and he has completed 23 years of service before his retirement. Therefore, respondents are bound by circular dated 23.4.1990 for the purpose of considering the claim of the appellant time bound promotion/increment and not with reference to circular dated 17.3.2010. As per the circular dated 23.4.1990

for the purpose of granting time bound promotion/increment, one need not pass any examination. For the first time on 17.3.2010, respondents have insisting for passing of examination for grant of time bond promotion/increment. Therefore, the respondents are directed to re-examine the claim of the appellant to the extent that the appellant's claim is required to be examined only with reference to the circular dated 23.4.1990 and not 17.3.2010 for the reasons that circular dated 17.3.2010 is a prospective application. Since the appellant retired from service in the year 2004 as on the date of retirement as well as eligibility for time bound/increment circular dated 23.4.1990 was in vogue. Learned counsel for the appellant submitted that identical matter decided on 23.12.2015 vide CWP No.19234 of 2015 may also be taken into consideration for the purpose of deciding the claim of the appellant. The respondents are directed to re-consider/re-examine claim of the appellant within a period of four months from today and grant time bound promotion/increment and to refix pay and pension and also to grant monetary benefits.

Trial Court order and Appellate Court order are set aside.

Appeal stands allowed.

(P.B. BAJANTHRI)
JUDGE

October 27, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.