

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

(1) LPA No.997 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Secretary and
others**

..... Appellants

Versus

Nirmala Rani

..... Respondent

(2) LPA No.998 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Secretary and
others**

..... Appellants

Versus

Om Parkash

..... Respondent

(3) LPA No.999 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Secretary and
others**

..... Appellants

Versus

Vanjar Singh

..... Respondent

(4) LPA No.1000 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Secretary and
others**

..... Appellants

Versus

Sohan Lal

..... Respondent

(5) LPA No.1001 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Bhai Lal

..... Respondent

(6) LPA No.1002 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Ujjagar Singh

..... Respondent

(7) LPA No.1003 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Sadhu Ram

..... Respondent

(8) LPA No.1004 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Pritpal Singh

..... Respondent

(9) LPA No.1005 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Elak Raj

..... Respondent

(10) LPA No.1006 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Dano Bai

..... Respondent

(11) LPA No.1007 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Pusu Singh

..... Respondent

(12) LPA No.1009 of 2016 (O&M)

Punjab State Power Corporation Limited through Secretary and others

..... Appellants

Versus

Jagdish Singh

..... Respondent

(13) LPA No.1013 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Bishan Singh

..... Respondent

(14) LPA No.1014 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Loginder Singh

..... Respondent

(15) LPA No.1015 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Vijay Kumar

..... Respondent

(16) LPA No.1016 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Joginder Singh

..... Respondent

(17) LPA No.1017 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Chanan Singh

..... Respondent

(18) LPA No.1018 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Mangal Singh

..... Respondent

(19) LPA No.1019 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Sham Singh

..... Respondent

(20) LPA No.1020 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Balhar Singh

..... Respondent

(21) LPA No.1021 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Ram Dev

..... Respondent

(22) LPA No.1022 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Ved Parkash

..... Respondent

(23) LPA No.1023 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Surjan Singh

..... Respondent

(24) LPA No.1024 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Pratam Singh

..... Respondent

(25) LPA No.1025 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Mukhtiar Singh

..... Respondent

(26) LPA No.1026 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Nazar Masih

..... Respondent

(27) LPA No.1027 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Harbans Singh

..... Respondent

(28) LPA No.1028 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Ramesh Kumar

..... Respondent

(29) LPA No.1029 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Sukhwant Singh

..... Respondent

(30) LPA No.1030 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Jagir Chand

..... Respondent

(31) LPA No.1031 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Chamkaur Singh

..... Respondent

(32) LPA No.1032 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Satish Kumar

..... Respondent

(33) LPA No.1033 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Gurdeep Singh

..... Respondent

(34) LPA No.1034 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Kesham Singh

..... Respondent

(35) LPA No.1035 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Kaka

..... Respondent

(36) LPA No.1036 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Ajaib Singh

..... Respondent

(37) LPA No.1037 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Chiman Singh

..... Respondent

(38) LPA No.1038 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Mohinder Singh

..... Respondent

(39) LPA No.1039 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Hans Raj

..... Respondent

(40) LPA No.1040 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Mahinder Singh

..... Respondent

(41) LPA No.1042 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Jarnail Singh

..... Respondent

(42) LPA No.1043 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Bhagwan Chand

..... Respondent

(43) LPA No.1044 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Gurdeep Singh

..... Respondent

(44) LPA No.1045 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Chander Dev Rai

..... Respondent

(45) LPA No.1046 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Dalip Singh

..... Respondent

(46) LPA No.1047 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Ramnakshtra Partap Singh

..... Respondent

(47) LPA No.1048 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Pal Singh

..... Respondent

(48) LPA No.1051 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Sat Paul

..... Respondent

(49) LPA No.1052 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Mohan Lal

..... Respondent

(50) LPA No.1053 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Jagir Singh

..... Respondent

(51) LPA No.1054 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Raj Rani

..... Respondent

(52) LPA No.1056 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Dasa Singh

..... Respondent

(53) LPA No.1057 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Jarnail Singh

..... Respondent

(54) LPA No.1058 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Darshan Singh

..... Respondent

(55) LPA No.1059 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Bag Singh

..... Respondent

(56) LPA No.1060 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Harjit Singh

..... Respondent

(57) LPA No.1061 of 2016 (O&M)

Punjab State Power Corporation Limited Patiala through its Secretary and others

..... Appellants

Versus

Jagdish Kumar

..... Respondent

(58) LPA No.1062 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Manjit Kaur

..... Respondent

(59) LPA No.1067 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Chiman Singh

..... Respondent

(60) LPA No.1068 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Darshan Singh

..... Respondent

(61) LPA No.1069 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Sat Paul

..... Respondent

(62) LPA No.1070 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Dashrath Ram

..... Respondent

(63) LPA No.1076 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Jaswant Singh

..... Respondent

(64) LPA No.1077 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Baldev Singh

..... Respondent

(65) LPA No.1078 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Gurdev Singh

..... Respondent

(66) LPA No.1079 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Surjan Singh

..... Respondent

(67) LPA No.1080 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Chairman-cum-Managing Director, Patiala and others

..... Appellants

Versus

Harpal Singh

..... Respondent

(68) LPA No.1081 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Harbhajan Singh

..... Respondent

(69) LPA No.1082 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Gurmail Singh

..... Respondent

(70) LPA No.1083 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Ram Khilawan

..... Respondent

(71) LPA No.1084 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Onkar Singh

..... Respondent

(72) LPA No.1085 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Chamkaur Singh

..... Respondent

(73) LPA No.1086 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Tarsem Pal

..... Respondent

(74) LPA No.1087 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Chairman-cum-Managing Director, Patiala and others

..... Appellants

Versus

Zora Singh

..... Respondent

(75) LPA No.1088 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Chairman-cum-
Managing Director, Patiala and others**

..... Appellants

Versus

Sukhdev Singh

..... Respondent

(76) LPA No.1090 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Secretary and
others**

..... Appellants

Versus

Balbir Singh

..... Respondent

(77) LPA No.1103 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Secretary and
others**

..... Appellants

Versus

Rajbir Kaur

..... Respondent

(78) LPA No.1107 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Secretary and
others**

..... Appellants

Versus

Mukhtiar Singh

..... Respondent

(79) LPA No.1108 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Secretary and
others**

..... Appellants

Versus

Kesham Singh

..... Respondent

(80) LPA No.1109 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Gurbachan Singh

..... Respondent

(81) LPA No.1111 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Balbir Singh

..... Respondent

(82) LPA No.1112 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Mangal Singh

..... Respondent

(83) LPA No.1113 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Mangat Singh

..... Respondent

(84) LPA No.1115 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Mohan Singh

..... Respondent

(85) LPA No.1116 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Joginder Singh

..... Respondent

(86) LPA No.1117 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Joginder Singh

..... Respondent

(87) LPA No.1118 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Joginder Singh

..... Respondent

(88) LPA No.1121 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Kamlesh Rani

..... Respondent

(89) LPA No.1122 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Gurbachan Singh

..... Respondent

(90) LPA No.1123 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Balwant Singh

..... Respondent

(91) LPA No.1125 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Kartar Singh

..... Respondent

(92) LPA No.1126 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Ram Murat

..... Respondent

(93) LPA No.1127 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Long Singh

..... Respondent

(94) LPA No.1128 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Bachan Singh

..... Respondent

(95) LPA No.1129 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Rama Shankar

..... Respondent

(96) LPA No.1130 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Kabal Singh

..... Respondent

(97) LPA No.1131 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Ram Chand

..... Respondent

(98) LPA No.1132 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Resham Singh

..... Respondent

(99) LPA No.1133 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Baldev Singh

..... Respondent

(100) LPA No.1134 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Kala Singh

..... Respondent

(101) LPA No.1135 of 2016

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Amarjit Singh

..... Respondent

(102) LPA No.1165 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Krishna Rani

..... Respondent

(103) LPA No.1166 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Dalip Singh

..... Respondent

(104) LPA No.1167 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellant

Versus

Jarnail Singh

..... Respondent

(105) LPA No.1179 of 2016 (O&M)

Punjab State Power Corporation Limited through its Secretary and others

..... Appellants

Versus

Hari Om Sharma

..... Respondent

(106) LPA No.1182 of 2016 (O&M)

Punjab State Power Corporation Limited through its Secretary and others

..... Appellants

Versus

Narinder Kumar

..... Respondent

(107) LPA No.1183 of 2016 (O&M)

Punjab State Power Corporation Limited through its Secretary and others

..... Appellants

Versus

Prit Pal Singh

..... Respondent

(108) LPA No.1191 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Baldev Raj

..... Respondent

(109) LPA No.1200 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Pyare Lal

..... Respondent

(110) LPA No.1372 of 2016 (O&M)

**Punjab State Power Corporation Limited through its Chairman-cum-
Managing Director, Patiala and others**

..... Appellants

Versus

Savinder Singh

..... Respondent

(111) LPA No.1373 of 2016 (O&M)

**Punjab State Power Corporation Limited through its Chairman-cum-
Managing Director, Patiala and others**

..... Appellants

Versus

Mohinder Singh

..... Respondent

(112) LPA No.1419 of 2016 (O&M)

**Punjab State Power Corporation Limited through its Chairman-cum-
Managing Director, Patiala and others**

..... Appellants

Versus

Bant Singh

..... Respondent

(113) LPA No.1420 of 2016 (O&M)

**Punjab State Power Corporation Limited through its Chairman-cum-
Managing Director, Patiala and others**

..... Appellants

Versus

Harbhajan Singh

..... Respondent

(114) LPA No.1438 of 2016 (O&M)

**Punjab State Power Corporation Limited, Patiala through its Secretary and
others**

..... Appellants

Versus

Santosh Kumar

..... Respondent

(115) LPA No.1441 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Kailash Chander

..... Respondent

(116) LPA No.1449 of 2016 (O&M)

Punjab State Power Corporation Limited through its Chairman-cum-Managing Director, Patiala and others

..... Appellants

Versus

Jarnail Singh

..... Respondent

(117) LPA No.1562 of 2016 (O&M)

Punjab State Power Corporation Limited through its Chairman-cum-Managing Director, Patiala and others

..... Appellants

Versus

Balraj Kumar

..... Respondent

(118) LPA No.1662 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Mohinder Pal

..... Respondent

(119) LPA No.1751 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Kheta Singh

..... Respondent

(120) LPA No.1752 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Dharam Chand

..... Respondent

(121) LPA No.1764 of 2016 (O&M)

Punjab State Power Corporation Limited, Patiala through its Secretary and others

..... Appellants

Versus

Hoshiar Chand

..... Respondent

Date of Decision: September 22, 2016

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: S/Sh. Vinod S. Bhardwaj,
R. L. Sharma,
Naveen Sharma (Bhardwaj),
Gursimranjit Singh, Advocates
for the appellants.

SUDIP AHLUWALIA, J.

1. These intra court appeals are directed against the judgment passed by the Ld. Single Bench on 23.12.2015 in CWP No.19234 of 2015, which covers all the remaining writ petitions filed by or on behalf of various employees of the appellant Punjab State Power Corporation Limited.

2. By virtue of the impugned judgment, claim of the various writ petitioners for the benefits of promotional increment in terms of the earlier Financial Order No.17 dated 23.04.1990 has been extended including to those who had retired prior to 17.03.2010, on which date Finance Circular No.14 of

2010 was issued, in which the benefit hitherto available to the employees as contained in Feature Nos.7 and 8 in the 1990 Order was withdrawn retrospectively.

3. In passing the impugned judgment, the Ld. Single Judge has relied upon a previous decision in CWP No.10808 of 2007, along with some more writ petitions decided by another Ld. Single Judge on 24.01.2012. In that judgment, it was held that promotional benefits laid down in the original financial order dated 23.04.1990 were admissible to the writ petitioners since it was admitted that they all otherwise fulfilled the criteria mentioned in the concerned circular. The same decision was made in another bunch of writ petitions headed by CWP No.7538 of 2014 by another Single Bench on 04.02.2015 as well as CWP No.16048 of 2013, in which the arrears of promotional increment were ordered to be allowed to the writ petitioners since they were undisputedly eligible for the same.

4. The original decision in CWP No.10808 of 2007 and the connected writ petitions was challenged in appeal, but the appeal was dismissed by the Division Bench in LPA Nos.883 to 886 of 2012 by its judgment dated 03.07.2012. In these circumstances, the Ld. Single Judge observed that the earlier decisions in the original writ petitions in this regard had attained finality on account of which all subsequent writ petitioners were entitled to a similar benefit. The relevant observations of the Ld. Single Judge in the impugned judgment in this regard are set out below:-

“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.”

5. Thereafter, the Ld. Single Judge directed that arrears of promotional increment would have to be paid to all the writ petitioners including the 37 retired employees or their legal heirs.

6. Challenge in this appeal to the impugned judgment has now been raised on the ground that it grants the benefit of promotional increment to all the writ petitioners across the board including those who had not even become eligible for the same on the relevant date i.e. 17.03.2010, when the Finance Circular No.14

attention to the original judgment in CWP No.10808 of 2007 bunch matters which had been passed in favour of the writ petitioners since undisputedly all of them fulfilled the eligibility conditions for the promotional increment. Therefore, according to the appellant, the decision would not cover those employees who had not yet become eligible for such increments at the relevant time or to whom, who though were eligible but did not get the due increments before March 17, 2010.

7. We may briefly advert to the relevant eligibility criteria prescribed vide Order No.17934/18163/Fin/PRC-1988-III/L-61 dated 25.01.1993 for promotional increment in relation to an employee who had covered 23 years of service, which is as follows:-

- “i) He has not been benefited by the scheme of 9/16 years time bound promotional scale.*
- ii) He has not earned three regular promotions in his career.*
- iii) He has not earned third promotion in his regular service between 16th and 23rd years of service.*
- iv) The increments referred to in para-2 above are in the nature of advance promotional benefit to be absorbed in next regular promotion.”*

8. The question before us now is, therefore, basically legal in nature as to whether or not those employees who on the relevant date (17.03.2010) had already become eligible for promotional increment after having fulfilled the eligibility conditions listed above, but to whom the same had not been actually extended, would be entitled to the same in view of the fact that the benefit contained in the original financial Order dated 23.04.1990 had been withdrawn retrospectively. Here, it would be apposite to first take note of the relevant stipulations which were withdrawn retrospectively. The same happen to be as follows:-

qualifications/passing of examination essential for their promotion to the next higher post, they shall also be placed into time promotional/devised promotional scale to be specified by the Board in the schedule as referred to in para 5 (above).

8. *No anomaly of pay would be claimed by any senior employee viz-a-viz an other employee merely on the strength of latter getting his placement into the time bound promotional/devised promotional scale.”*

9. It is noteworthy that the aforesaid stipulations were made applicable in relation to employees who had completed 23 years of service, by virtue of Finance Circular No.62 of 1992 issued vide Order No.285/Fin/PRC-1988-III/Vol-4 dated 16.12.1992, in which it was clarified that Feature Nos.7 and 8 would also be applicable in toto for the grant of promotional increment(s) on completion of 23 years of regular service.

10. The controversy arose, however, with the Finance Circular No. 14 of 2010 by virtue of which the aforesaid stipulations were withdrawn/deleted from the earlier mentioned circular retrospectively w.e.f. 01.01.1996. The relevant extracts of this circular are to the following effect -

“Punjab State Electricity Board has decided to delete Para-2 of below mentioned note in the office order No.285/Fin./PRC-1988-III/Vol-4 dated 16.12.1992 w.e.f. 01.01.1996.

Note(ii). *“Feature No.7 & 8 shall also applicable in toto for the grant of promotional increment(s) on completion of 23 years of regular service.”*

11. The submission raised on behalf of the appellants in this regard is that since a given set of employees had not yet been granted the promotional increment on the given date, and their eligibility for the same in terms of the previous

circulars subsisted only during the time which was retrospectively covered with the scrapping of Feature Nos.7 and 8, so they would no longer remain eligible to grant of such benefit. A number of citations have been placed before us.

12. In **Bhakra Beas Management Board Vs. Krishan Kumar Vij and another, 2010(8) SCC 701**, the self-same Financial Order dated 23.04.1990 issued by the appellant (then known as Punjab State Electricity Board) had also been adopted by the Bhakra Beas Management Board in relation to its own employees. But the representations of certain respondents had been rejected. The writ petition against such rejection (CWP No.9162 of 1994) was allowed by the Single Bench of this Court and the LPA No. 1127 of 1999 filed against that decision was dismissed by the Division Bench on 13.01.2001. The decisions of the Single as well as the Division Bench were upheld by the Hon'ble Supreme Court in SLP No. 2393 of 2002, which was dismissed on 15.02.2002 followed by dismissal of the Review Application as well. When the ratio of the decision in these proceedings was applied in the case of another employee/Assistant Engineer in Bhakra Beas Management Board and relief was consequently granted to him, the Hon'ble Supreme Court did entertain the SLP by holding that mere dismissal of Special Leave Petition at a preliminary stage does not constitute a binding precedent. The aforesaid SLP preferred by the Bhakra Beas Management Board was thereafter allowed by observing *inter alia*:-

36. *In view of this, to attain the fruitful results of the Order of 1990 we have to give it a meaningful and proper construction which would achieve the object for which it was passed, rather than to give a narrower construction which may defeat the very purpose of passing the said order.*

XXX XXX XXX

38. *No doubt, it is true that the Order of 1990 is not happily worded, but even then the only inevitable conclusion that can*

be deciphered from the same is that the benefit thereof would accrue to only those directly recruited Assistant Engineers/Assistant Executive Engineers who have pre-requisite qualification for appointment to the higher post. Obviously, if an employee does not have the required qualification, then under what circumstances he would be entitled to claim benefit of the Order of 1990. A statute is designed to be workable and the interpretation thereof by a court should be to secure that object unless crucial omission or clear direction makes that end unattainable. In our considered opinion, the Order of 1990 cannot be logically interpreted in any other manner than what we have done. It is also too well settled that when the words of the statute are clear, plain or unambiguous and are reasonably susceptible to only one meaning, the courts are bound to give effect to that meaning only which serves the cause and purpose irrespective of the consequences.”

13. However, the Division Bench in previous LPA Nos.883 to 886 of 2012 had rightly observed that the judgment in **Krishan Kumar's case (supra)** is not applicable to the present case since, *“The eligibility of the writ petitioners have to be examined in terms of the circular. There is no condition in the circular which restricts the right of promotional increments to a person who has not passed the examination. Such is the view of this Court in RSA No. 2726 of 2008 titled as Punjab State Elec. Board & Ors. vs. Jiwan Singh decided on 09.09.2008 and RSA No.4046 of 2005 titled as Chaman Lal vs. Punjab State Elec. Board & Ors. decided on 03.04.2006.”*

14. Even otherwise in the concluding portion of the SLP judgment, the Hon'ble Supreme Court while setting aside the relief granted to the respondent on the ground that he had not yet fulfilled the pre-requisite qualifications for further

“41. At the cost of repetition, we may reiterate that the effect of the Order of 1990 read with the Regulations would be that only those employees who fulfilled the pre-requisite qualification for further promotion along with certain length of service as required would only be entitled to the benefit as per the Order of 1990. The other Assistant Engineers, even though they had completed the requisite length of service would not be entitled to claim the benefit, unless they had fulfilled the basic qualifications and minimum experience as required.”

15. This observation conclusively implies that where the employee concerned has fulfilled the basic qualifications and minimum experience, then he would certainly be entitled to further promotion on completing the requisite length of service. It needs to be remembered that in the present case Feature No. 7 in the original circular had specifically done away with the requirement of fulfilling the qualifications/passing of examination essentiality for promotion to the concerned employees, on account of which undisputedly they became entitled to the benefit of promotional increment of the requisite length of service. As such, the decision in ***Bhakra Beas Management Board's case (supra)*** ironically goes against the appellants, who have cited the same. They even appear to have lost sight of the fact that all the proceedings in this regard prior to disposal of the SLP had virtually been decided before the impugned Financial Order dated 17.03.2010 had itself come into operation.

16. Two other decisions have been cited on behalf of the appellants being **State of West Bengal and another Vs. West Bengal Minimum Wages Inspectors Association and others, 2010(5) SCC 225** and **State of M.P. and others Vs. R.K. Chaturvedi and another, 2006(3) S.C.T. 270**. Unfortunately, neither of these decisions even remotely relate to the question of validity of

Authority, which actually is the question before us.

17. In “**Dr. Indramani Pyarelal Gupta and others Vs. W.R.Natu and others**”, AIR 1963 SC 274, it was held:-

“The rule is well settled that even in a case where the executive Government acts as a delegate of a legislative authority, it has no plenary power to provide for retrospective operation unless and until that power is expressly conferred by the parent enactment.”

18. In “**The Income Tax Officer, Alleppy Vs. M.C.Ponnoose and others etc.**”, (1969)2 SCC 351, it was observed:-

“Parliament can delegate its legislative power within the recognized limits. Where any rule or regulation is made by any person or authority to whom such powers have been delegated by the Legislature it may or may not be possible to make the same so as to give retrospective operation. It will depend on the language employed in the statutory provision which may in express terms or by necessary implication empower the authority concerned to make a rule or regulation with retrospective effect. But where no such language is to be found it has been held by the courts that the persons or authority exercising subordinate legislative functions cannot make a rule, regulation or bye-law which can operate with retrospective effect.”

19. In “**S.B.Patwardhan Vs. State of Maharashtra**”, (1977) 3 SCC 399, the Hon'ble Supreme Court observed:-

“It is common ground that except the Bombay Rules dated September 21, 1939 and the Gujrat Notification dated August 21, 1965 the rest of the rules are in the nature of executive instructions.....

These instructions, unlike rules regulating recruitment and conditions of service framed under the proviso to Article 309 of the Constitution or Section 241(2)(b) of the Government of

India Act, 1935, cannot have any retrospective effect.”

20. Thereafter, in **“The Accountant General and another Vs. S. Doraiswamy and others”**, (1981) 4 SCC 93, it was held:-

“The next question is whether clause (5) of Article 148 permits the enactment of rules having retrospective operation. It is settled law that unless a statute conferring the power to make rules provides for the making of rules with retrospective operation, the rules made pursuant to that power can have prospective operation only. An exception, however, is the proviso to Article 309.”

21. Again in **“State of Rajasthan Vs. Ucchab Lal Chhanwal”**, (2014) 1 SCC 144, it is observed :-

“It is also canvassed by them that the High Court has correctly opined that the circular cannot be made applicable retrospectively having been issued in the year 2006 to a promotional matter pertaining to the year 1996-1997.

There can be no scintilla of doubt that the finding recorded by the High Court pertaining to the circular is absolutely correct and unassailable. The said circular could not have been placed reliance upon by the State to content that the respondents could have been deprived of promotion.”

22. In fact, the judicial view goes to the extent of even holding that retrospective amendments to take away vested rights already in existence may not be legitimate by way of statutory legislation.

23. In **“P.D. Aggarwal and others Vs. State of U.P. and others”**, (1987) 3 SCC 622, it was held:-

“Undoubtedly the Government has got the power under proviso to Article 309 of the Constitution to make rules and amend the rules giving retrospective effect. Nevertheless, such retrospective amendments cannot take away the vested rights and the amendments must be reasonable, no arbitrary or

discriminatory violating Articles 14 and 16 of the Constitution.

24. In “**Union of India and others Vs. Tushar Ranjan Mohanty and others**”, (1994) 5 SCC 450, it was observed:-

“The legislatures and the competent authority under Article 309 of the Constitution of India have the power to make laws with retrospective effect. This power, however, cannot be used to justify the arbitrary, illegal or unconstitutional acts of the Executive. When a person is deprived of an accrued right vested in him under a statute or under the Constitution and he successfully challenges the same in the court of law, the legislature cannot render the said right and the relief obtained nugatory by enacting retrospective legislation.”

25. Again in “**T. Kalia Murthi and another Vs. Five Gori Thaikkal Wakf and others**”, (2008) 9 SCC 306, it was observed:-

“It is well settled that no statute shall be construed to have a retrospective operation until its language is such that would require such conclusion. The exception to this rule is enactments dealing with procedure. This would mean that the law of limitation, being a procedural law, is retrospective in operation in the sense that it will also apply to proceedings pending at the time of the enactment as also to proceedings commenced thereafter, notwithstanding that the cause of action may have arisen before the new provisions came into force. However, it must be noted that there is an important exception to this rule also. Where the right of suit is barred under the law of limitation in force before the new provision came into operation and a vested right has accrued to another, the new provision cannot revive the barred right or take away the accrued vested right.

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 authorities 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).

27. We, therefore, dismiss these appeals by holding that the retrospective deletion of the relevant Feature Nos. 7 and 8, in the original Financial Order dated 23.04.1990, is not in accordance with law. However, the appellants are at liberty to approach the Ld. Single Judge for modification of the impugned judgment(s), if in any given case they can show that the concerned writ petitioner had actually not become eligible for promotional increment on the relevant date i.e. 17.03.2010.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

22.09.2016
adhikari

Whether speaking/reasoned : ***Yes/No***

Whether Reportable : ***Yes/No***