

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

RSA No.208 of 2016 (O&M)

Date of Decision:10.11.2016

Punjab State Power Corporation Limited and others ... Appellants

Vs.

Ashok Kumar ... Respondent

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

Present : Mr. R.L. Sharma, Advocate for the appellants.

Mr. O.P. Gabba, Advocate for the respondent.

P.B. BAJANTHRI J.

C.M. No.700-C-II of 2016

For the reasons stated in the application as well as in the affidavit, delay of 87 days in re-filing the appeal stands condoned.

Application is allowed accordingly.

Main case

The appellants have questioned the validity of trial and appellate court orders dated 23.01.2014 and 7.7.2015 respectively.

The respondent's grievance before the trial court is denial of promotional increment after completing 23 years of service as on 11.11.2003. The trial Court decreed the suit holding that the respondent is entitled for promotional increment with arrears thereof with interest @ 8% per annum from 11.11.2003 till actual payment of the same.

Feeling aggrieved by the order of the trial Court, the appellants have preferred an appeal before the appellate Court. The appellate court uphold the order of the trial court on 7.7.2015. Thus, the present appeal has been filed.

Short question for consideration in the present appeal relates to payment of arrears as well as interest from 11.11.2003.

Admittedly the respondent joined service on 11.11.1980 and he has completed 23 years on 11.11.2003. Consequently, he is entitled for promotion increment after completion of 23 years of service on 11.11.2003. The respondent except making representation during the period from 2003 to 2012, he has not filed civil suit within the limitation period. Thus, there is inordinate delay in seeking the benefit of promotional increment for completing 23 years of service on 11.11.2003. There is a delay of about six years in filing the suit. Thus, the trial Court committed an error in granting arrears alongwith interest @ 8% per annum from 11.11.2003 till actual payment is made. Since there is a delay in filing the suit, the arrears as well as interest is restricted prior to 38 months of filing the suit i.e. from 1.8.2012. To that extent the trial Court order is modified. In other words the respondent is entitled to arrears and interest @ 8% per annum from 1.6.2009 till actual payment is made.

The appeal stands allowed in part.

10.11.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**