

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

232

**RSA No. 4753 of 2015 (O&M)
Date of decision: 21.09.2016**

The Punjab State Electricity Board, Now PSPCL and another

.... Appellants

Versus

Jai Narain

.... Respondent

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

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

Mr. P.K.Goklaney, Advocate for the respondent.

P.B. Bajanthri, J. (Oral)

In the instant appeal, the appellants have assailed the order of the trial court dated 03.12.2011 and appellate court's order dated 20.09.2014.

2. The respondent-workman was appointed on work-charge basis on 11.02.1976 and he was confirmed in the post of Assistant Lineman in the year 1982. His grievance is relating to grant of time bound benefit of promotional scale after completion of 23 years of service under the financial circular No. 17/90 issued on 23.04.1990. The circular stipulates that “the Punjab State Electricity Board has further decided to allow the benefit of promotional increment(s) to an employee on completion of 23 years of regular service provided: He has not been provided the following conditions:-

(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.”

3. The trial Court held that respondent-workman is entitled to promotional increment w.e.f. 11.02.1999. The appellant aggrieved by the order of the trial Court preferred an appeal before the appellate court. The appellate court on 20.09.2014 affirmed the order of the trial Court and further held that respondent is entitled to interest @ 18% per annum on all arrears. Thus, the appellants have presented this appeal.

4. It is undisputed that workman was appointed on 11.02.1976 and his services confirmed in the year 1982. For the purpose of grant of time bound benefit of promotional scale, an employee has to complete 23 years of service on regular basis. Therefore, 23 years is required to be counted from the date of confirmation of the respondent-workman i.e. from 1982. Respondent-workman completed 23 years of regular service in the year 2005. Therefore, trial court as well as appellate court erred in holding that respondent-workman is entitled to time bound benefit of promotional scale w.e.f. 11.02.1999 and further appellate court has held that workman is entitled for interest @ 18% per annum. Having regard to the eligibility criteria for grant of time bound benefit of promotional scale read with

service particulars of the respondent-workman, he is entitled to time bound benefit of promotional scale w.e.f. 2005 the date on which he complete 23 years of regular service and not from 11.02.1999 as held by the trial court and appellate court. Thus, the trial court order and appellate court order are modified to the extent that the respondent-workman is entitled to time bound benefit of promotional scale w.e.f. 2005, the date on which he completes 23 years of regular service.

5. The appellants are directed to calculate and disburse the arrears of pay along with interest @ 9% per annum from 2005 to till the date of payment. The above exercise shall be completed by the appellants within four months from today.

21.09.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No