

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

**CWP No. 14475 of 2016
Date of Decision: 06.02.2017**

Mohinder Singh

...Petitioner

Versus

Punjab State Power Corporation Ltd. & Ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Harpinder Kaur Sandhu, Advocate
for the petitioner.

Mr. T. N. Sarup, Additional Advocate General, Punjab.

JAISHREE THAKUR, J.

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to grant the benefit of promotional increments to the petitioner.

The petitioner herein joined the Punjab State Electricity Board as Assistant Lineman on regular basis on 10.01.1966. He was promoted as Lineman on 01.07.1968 and thereafter promoted as Junior Engineer on 22.07.1987. On attaining the age of superannuation, he retired from service on 31.08.2005. During his entire service career, he got only two promotions. Prayer in this writ petition is for grant of benefit of promotional increment(s) to the petitioner in view of the circular dated 23.04.1990 and in terms of the decision dated 24.01.2012 rendered in ***CWP No. 10808 of 2007***, which was upheld by the Division Bench in ***LPA No. 883 of 2012***. This Court vide its judgment rendered in ***CWP No. 10808 of 2007*** had

allowed the writ petition for grant of benefit of promotional increments and in the circular, the qualifications as prescribed were as under:

“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.”

It is further submitted that benefit under the circular dated 24.01.1990 has been given to the similarly situated employees.

Learned counsel appearing on behalf of the respondents is not able to dispute the factual position and to controvert that the petitioner herein would not be governed by the said circular.

Accordingly, by placing reliance on the judgment rendered in CWP No. 10808 of 2007, this writ petition is disposed in the same terms. Claim of the petitioner would obviously be restricted to 38 months prior to the filing of the present writ petition.

With the above observations, the present writ petition is disposed of.

February 06, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*