

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.17313 of 2017(O&M)
Date of Decision: 08.08.2017

Kashmir Singh

--Petitioner

Versus

Punjab State Power Corporation Ltd.
and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Brijesh Nandan, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner, who was serving on the post of Assistant Line Man under the Punjab State Power Corporation Ltd. retired on 31.7.2011 upon attaining the age of superannuation.

Claim raised in the instant petition is for the grant of promotional increment upon completion of 23 years of service in a cadre in the light of Circular dated 23.4.1990 (Annexure P-1).

Counsel contends that apart from the claim being covered under the Circular dated 23.4.1990, even the judgement rendered by this Court in ***CWP No.20139 of 2015 (Chiman Singh Vs. Punjab State Power Corporation Ltd. and others)*** decided on 29.2.2016 would cover his claim. Further submitted that the decision rendered in ***Chiman Singh's*** case (supra) has subsequently been followed by a Coordinate Bench of this Court in ***CWP No.10689 of 2016 (Gursharan Singh Vs. P.S.P.C.L)*** decided on 26.5.2016 and wherein it was directed as follows:-

“ The financial benefit of promotional increment will be granted to all the employees who have completed 23 years of regular service as on 17.3.2010, irrespective of their

dates of retirement/working.”

In the light of the submissions advanced by counsel, I deem it appropriate to dispose of the present petition by directing respondent authorities/competent authority to consider the claim of the petitioner in terms of taking a final decision on a legal notice dated 12.3.2017 (Annexure P-11) expeditiously and in any case within a period of two months from the date of receipt of a certified copy of this order.

Suffice it to observe that in the eventuality of the petitioner's claim being upheld, it would be open for the respondent authorities to examine the aspect of delay on the part of the petitioner in having approached this Court by filing the instant petition in the year 2017 as opposed to a claim that supposedly fructified in the year 2006 and accordingly, if, so advised restrict the benefit of arrears to a period of 38 months prior to the date of filing of the instant petition.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

08.08.2017

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No