

**CWP No. 24218 OF 2017
and other connected cases**

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

DECIDED ON: OCTOBER 26, 2017

1) CWP No. 24218 OF 2017

BUTA RAM **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP.LTD & ORS. **.....RESPONDENTS..**

2) CWP No. 24219 OF 2017

MAJOR SINGH **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP. LTD & ORS. **.....RESPONDENTS..**

3) CWP No. 24220 OF 2017

SHAKTI CHAND **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP. LTD & ORS. **.....RESPONDENTS..**

4) CWP No. 24221 OF 2017

BALJIT SINGH **.....PETITIONER..**
V.

**PUNJAB STATE TRANSMISSION
CORP. LTD & ORS.** **.....RESPONDENTS..**

5) CWP No. 24222 OF 2017

NIRMAL SINGH **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP.LTD & ORS. **.....RESPONDENTS..**
6) CWP No. 24223 OF 2017

**CWP No. 24218 OF 2017
and other connected cases**

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SUKHBILAS RAM **.....PETITIONER..**

V.

PUNJAB STATE POWER CORP.LTD & ORS. **.....RESPONDENTS..**

7) CWP No. 24224 OF 2017

SUKHBINDER SINGH **.....PETITIONER..**

V.

PUNJAB STATE POWER CORP. LTD & ORS. **.....RESPONDENTS..**

8) CWP No. 24225 OF 2017

AMARJIT SINGH **.....PETITIONER..**

V.

**PUNJAB STATE TRANSMISSION
CORP. LTD & ORS.** **.....RESPONDENTS..**

9) CWP No. 24226 OF 2017

SUKHCHAIN SINGH **.....PETITIONER..**

V.

**PUNJAB STATE TRANSMISSION
CORP. LTD & ORS.** **.....RESPONDENTS..**

10) CWP No. 24227 OF 2017

MADAN LAL **.....PETITIONER..**

V.

PUNJAB STATE POWER CORP.LTD & ORS. **.....RESPONDENTS..**

11) CWP No. 24228 OF 2017

RAJ SINGH **.....PETITIONER..**

V.

PUNJAB STATE POWER CORP.LTD & ORS. **.....RESPONDENTS..**
12) CWP No. 24229 OF 2017

**CWP No. 24218 OF 2017
and other connected cases**

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SUKHDEV SINGH **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP.LTD & ORS. **.....RESPONDENTS..**

13) CWP No. 24230 OF 2017

MUKHTIAR SINGH **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP. LTD & ORS. **.....RESPONDENTS..**

14) CWP No. 24231 OF 2017

BALWINDER SINGH **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP.LTD & ORS. **.....RESPONDENTS..**

15) CWP No. 24232 OF 2017

KULBHUSHAN **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP. LTD & ORS. **.....RESPONDENTS..**

16) CWP No. 24233 OF 2017

KRISHNA RANI **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP.LTD & ORS. **.....RESPONDENTS..**

17) CWP No. 24234 OF 2017

RAKESH KUMAR **.....PETITIONER..**
V.

PUNJAB STATE POWER CORP.LTD & ORS. **.....RESPONDENTS..**

18) CWP No. 24235 OF 2017

**CWP No. 24218 OF 2017
and other connected cases**

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NIRMAL SINGH

.....PETITIONER..

V.

PUNJAB STATE POWER CORP. LTD & ORS.

.....RESPONDENTS..

19) CWP No. 24236 OF 2017

BHINDER SINGH

.....PETITIONER..

V.

PUNJAB STATE POWER CORP.LTD & ORS.

.....RESPONDENTS..

20) CWP No. 24237 OF 2017

RESHAM SINGH

.....PETITIONER..

V.

PUNJAB STATE POWER CORP.LTD & ORS.

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.K. Goklaney, Advocate
for the petitioner(s).

JASPAL SINGH, J (ORAL)

By virtue of this common judgment, this Court intends to dispose of 20 civil writ petitions, the details of which have been mentioned in cause title, as the facts as well as law point involved in all these petitions are identical and can be disposed of.

2. All these petitions have been preferred under Article 226/227 of the Constitution of India by the petitioner(s), seeking issuance of a writ in the nature of mandamus, directing the respondents to grant the benefit of revised pay and pensionary benefits etc., after granting the benefit of 23 years promotional increment(s) to them, in view of circular dated 23.04.1990,

especially in view of the judgments passed by this Court in CWP No. 10808 of 2007 and CWP No. 7538 of 2014 as well as in view of letter dated 11.05.2015 (P-9) issued by respondent-corporation, vide which, similar/identical benefits have already been granted to the similarly situated employees. AND further to grant interest on the delayed payments @ 12% per annum when it became due till its realization.

3. A scrutiny of the aforesaid writ petitions transpires that the petitioner(s) in these cases retired on different dates, much prior to the filing of instant petitions and apparently, there is an inordinate delay on the part of the petitioner(s) in approaching this Court by way of instant petitions.

4. Though, normally a belated service related claim should be rejected on the ground of delay and laches or limitation, yet, there is an exception to the aforesaid rule that where the cases relating to a continuing wrong or that where issues relating to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties and the arrears of the pay or refixation of pay can be restricted to 38 months prior to the filing of writ petition.

5. To fortify the aforesaid observations, we can have the pronouncement of Hon'ble Apex Court, titled as ***“Union of India v. Tarsem Singh” (2008) 8 SCC 648*** as well as of this Court titled as ***“Saroj Kumari v. State of Punjab and others”, 1998 (3) SCT 664***. Thus, in the instant cases, claim shall restricted to 38 months.

6. The contention of learned counsel appearing on behalf of the petitioner(s) is that the respondents were requested time and again to release the

benefits, which have been claimed through instant petition(s). Even, they were also constrained to serve legal notice(s), which are of different dates but till date no action has been taken. No response to any of the legal notices has also been received so far by any of the petitioner(s) and the respondents-authorities are seized of the matter. The petitioner(s) feel satisfied, in case, direction is issued to respondent(s) to deal with their legal notice(s) and to take conscious decision.

7. Accordingly, all these petitions are disposed of with the direction to the respondents to look into the grievances unfolded by the petitioner(s) in their respective legal notice(s), if no legal notice is issued, in that eventuality, the writ petition(s) be considered as representation and to take conscious decision in accordance with service rules as well as circular dated 23.04.1990 and in the light of various judgments passed in CWP No.10808 of 2007, CWP No. 7538 of 2014 and letter dated 11.05.2015, within a period of two months, from the date of receipt of certified copy of this order. However, relief shall stand restricted to 38 months in view of *Tarsem Singh's* case and *Saroj Kumari's case (supra)*.

8. The claim with regard to interest on delayed payment shall also be considered in view of the observations made by Full Bench of this Court in case captioned as "*R.S. Randhawa v. State of Punjab*", 1997 (3) RSJ 318.

9. However, if the petitioner(s) still feels aggrieved against the order passed by the concerned authority, they shall be at liberty to approach this Court.

**OCTOBER 26, 2017
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**(JASPAL SINGH)
JUDGE**

***Whether speaking/reasoned* Yes**

***Whether reportable* Yes/No**