

CWP No.28141 of 2017

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

CWP No.28141 of 2017

DECIDED ON: DECEMBER 12, 2017

BOOTA SINGH

.....PETITIONER..

VERSUS

**THE CHAIRMAN-CUM-MANAGING
DIRECTOR,PUNJAB STATE POWER
CORP. LTD. AND OTHERS**

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Karan Singla, Advocate for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of promotional increment in view of circular dated 23.04.1990 (P-1), especially in view of judgments passed by this Court in CWP No. 11585 of 2016 decided on 02.06.2016 and CWP No.20139 of 2015 decided on 29.02.2016 (P-4), by which the benefit of 23 years promotional increment has already been granted to the similar situated employees. And further for release interest @ 18% per annum from the date when it became due till its realization.

2. At the very outset of the arguments, learned counsel for the petitioner submits that though legal notice dated 13.11.2017 (Annexure P-5) was duly served upon the respondents but till date no conscious decision has been taken. He further submits that petitioner feels satisfied in case direction is

issued to respondent(s) to decide aforesaid legal notice, within a stipulated period.

3. Instant petition is disposed of with a direction to respondent(s) to look into the grievances unfolded by the petitioner in his legal notice dated 13.11.2017 (Annexure P-5) and to decide the same in view of circular dated 23.04.1990 (Annexure P-1) as well as in the light of various judgments passed by this Court in CWP No. 11585 of 2016 decided on 02.06.2016 and CWP No.20139 of 2015 decided on 29.02.2016 (P-4), within a period of three months from the date of receipt of certified copy of this order. In case, the concerned authority comes to the conclusion that petitioner is entitled to the relief claimed, that would stand restricted to 38 months in view of Full Bench judgment of this Court in ***“Saroj Kumari v. State of Punjab and others”***, ***1998(3) SCT 664***.

4. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as ***“R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318*** as well as Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

5. However, if the petitioner still feels aggrieved of the order passed by the concerned authority, he shall be at liberty to approach this Court.

DECEMBER 12, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***