

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1148 of 2015 (O&M)

Date of Decision: 08.05.2017

PSPCL & Ors.

... Appellants

VS.

Kanwal Pal Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. RL Sharma, Advocate for the appellants

Mr. VK Shukla, Advocate for the respondent

SURYA KANT, J. (Oral)

(1) The short question which falls for consideration in this Intra Court Appeal is whether the respondent is entitled for promotional increment on completion of 23 years of service?

(2) The respondent joined the appellant-organisation as Lineman on 13.11.1979. He was promoted as Junior Engineer-II on 14.03.2009 and retired w.e.f. 28.02.2011 on attaining the age of superannuation. The respondent put up his claim for grant of promotional increments on completion of 23 years of service but it was denied to him on the ground that he had not passed the requisite departmental examination.

(3) The ultimate issue that arose for consideration of learned Single Judge was whether the admissibility of promotional increment depended on the condition of qualifying the departmental examination? Learned Single Judge has in this regard reproduced and has relied upon the office order dated 28.04.1998 issued by the erstwhile Punjab State Electricity Board (now the appellant-Corporation) whereunder the condition of passing the Departmental Accounts Examination for promotion from the post of Junior

Engineer) was waived off in the case of those employees who had completed 50 years of age.

(4) Learned Single Judge has further noticed the fact that the respondent was born on 14.02.1953 and he completed 50 years on 14.02.2003 and thus was entitled to seek waiver of the condition of qualifying the Departmental Accounts Examination. Even prior thereto also, PSEB had issued Financial Circular No.17/90 dated 23.04.1990, Clause 7 whereof reads as follows:-

“In case of employees who do not fulfill the qualification/passing of examination essential for their promotion to the next higher post, they shall also be placed into time promotional/revised promotional scale to draw the pay.”

(5) Since the appellant-authorities themselves have waived off the condition of qualifying the Departmental Examination or have decided to grant promotional scales even to those who are unable to qualify the examination, we are of the considered view that no fault can be found with the order of learned Single Judge in setting aside the condition imposed on the respondent for the purpose of grant of promotional increments.

(6) Dismissed.

(Surya Kant)
Judge

08.05.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No