

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

LPA No.2029 of 2017 (O&M)

Date of Decision : 26.10.2017

Punjab State Power Corporation Ltd.
and others

.....Appellants

Versus

Balwinder Singh

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present : Mr.Gursimranjit Singh, Advocate
for appellants.

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MAHESH GROVER, J. (Oral)

We do not find any reason to interfere as the order of the learned Division Bench in similar matters has answered the controversy and in conclusion it has been observed as follows :-

“26. In conclusion, therefore, we have no hesitation in holding that the withdrawal of the benefit for promotional increment as contained in Feature Nos.7 and 8 of the original circular dated 23.04.1990 by the appellant authorities has no validity in the eyes of law qua those employees who had already become eligible for promotion as on 17.10.2010 and who otherwise were eligible for the same by virtue of the eligibility criteria in force till that date. Of course such deletion of Feature Nos.7 and 8 would be valid prospectively as against the other class of employees, who did not meet up the prescribed criteria as noted in Para No.7 earlier, or had

not yet put in the requisite length of service (23 years).

27. We, therefore, dismiss these appeals by holding that the retrospective deletion of the relevant Feature Nos.7 and 8, in the original Financial Order dated 23.04.1990, is not in accordance with law. However, the appellants are at liberty to approach the Ld.Single Judge for modification of the impugned judgment(s), if in any given case they can show that the concerned writ petitioner had actually not become eligible for promotional increment on the relevant date i.e.17.03.2010.”

Learned counsel for the appellants would contend that the respondent has concealed material facts of his eligibility in writ proceedings. If that is so, the appellants should have brought this to the notice of the learned Single Judge more particularly when in para 27, extracted above, learned Division Bench judgment also grants liberty to do so.

Apart from this, the appeal is also barred by an inordinate delay of 488 days which we do not intend to condone in the absence of any plausible explanation.

Dismissed.

(MAHESH GROVER)
JUDGE

26.10.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No