

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

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**C.M.1356-C-2016 in/and
RSA-470-2016
Date of decision: 19.9.2017**

Punjab State Power Corporation Ltd.

...Appellant

Versus

Balwinder Singh

....Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Promila Nain, Advocate
for applicant-appellant.

Mr. Subhash Kumar, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)
C.M.1356-C-2016

This is an application for condonation of delay of 140 days in filing the appeal.

No reply has been filed. For the reasons recorded in the application, the same is allowed and delay of 140 days in filing the appeal is condoned

Main case

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit of the respondent.

The respondent had been appointed as Assistant Lineman on 28.6.1976. On 13.7.1994 that is after 18 years he was appointed as a Foreman. Originally in the year 1990, recognizing the stagnation which was prevalent among the employees the appellant had introduced the scheme of giving time

bound promotion scale at the stage of 9 years and 16 years. This benefit had been granted to the respondent before he joined as a Foreman. In the year 2003, appellant issued another circular No. 19/2003 as per which it, was decided that if there are two levels of induction then an employee who has got the benefit of promotion after getting the time bound promotion scales can be allowed to opt for claiming the time bound promotion scale even for the higher post but if he does so he would have to surrender the benefits of time bound promotion scale which he had got at the junior post. It was on the basis of this circular that the respondent had claimed that he would surrender the benefits of the time bound promotion scale which had been given to him on completion of 9 years and 16 years service as Assistant Lineman and he should be considered for these benefits with effect from 13.7.1994 when he was appointed as a Foreman. The prayer was originally accepted but later on benefit was not granted to the respondent leading him to file the instant suit. Both the courts below held that in the face of circular No. 19/2003 the respondent had the right to claim time bound promotion scale from the post of Foreman provided he was willing to surrender the benefits which has earlier got.

Both the Courts below appreciate the controversy and the material correctly.

Resultantly, appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**(AJAY TEWARI)
JUDGE**

19.9.2017
anuradha

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