

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

CWP No.11089 of 2018

Date of Decision: 04.05.2018

Darshan Singh

...Petitioner

Versus

Punjab State Power Corporation Ltd. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Saravpreet Gurna, Advocate
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ particularly in the nature of Mandamus directing the respondents to grant him the benefit of 23 year advance promotional increment(s), w.e.f 01.10.1999 as per the principal policy under Finance Circular No.17/1990 dated 23.04.1990 (Annexure P1) and in view of the judgments of this Hon'ble Court, among others in CWP No. 20139 of 2015 (Annexure P6) and CWP No. 10689 of 2016 (Annexure P7), passed in cases of similarly situated persons, with consequential re-fixation of pay and retiral benefits and also to release the same to him along-with arrears as well as interest @18% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as Assistant Lineman/ALM on 01.10.1976 and retired from service on 30.09.2009, thus, he became entitled for the release of benefit of 23 years promotional increment but no such

benefit was granted to him till date. He further contended that though the similar relief has already been granted to the other employees of the State of Punjab vide judgments passed by this Court in CWP No.20139 of 2015 (*Chiman Singh Vs. Punjab State Power Corporation Ltd. & ors.*) decided on 29.02.2016 and CWP No. 10689 of 2016 (*Gursharan Singh vs. Punjab State Power Corporation Ltd. & Ors*) decided on 26.05.2016. The petitioner stood retired on 30.09.2009 on attaining the age of superannuation i.e. 58 years. The petitioner being aggrieved of the non-disbursal of the benefits of 23 years promotional increment was constrained to serve legal notice upon the respondents on 02.04.2018 (P5), but till date no response has been received. Learned counsel further submits that the petitioner feels satisfied in case a direction is given to respondent No.2, to decide the aforesaid legal notice (P5), within a stipulated period.

3. Without expressing any opinion on merits of the case but considering the aforesaid aspects as has been unfolded by the learned counsel for the petitioner, instant petition is disposed of with a direction to respondent No.1 to look into the grievances unfolded by the petitioner in legal notice dated 02.04.2018 (P-5) and to take a conscious decision within a period of three months from the date of receipt of a certified copy of this order, particularly in the light of the Circular Nos. 17/90, dated 23.04.1990 (P1), 62/92, dated 16.12.1992 (P2), 52/99 dated 09.11.1999 (P3) and 20/2000, dated 28.07.2000 (P4)) as well as the judgments referred to above in para 2 of this order. In case, competent authorities come to the conclusion that petitioner is entitled to the relief(s) claimed, the same be released to him within a period of next 45 days.

4. Since, there is an inordinate delay on the part of the petitioner

in approaching the court, the claim shall stand restricted to 38 months prior to the filing of instant petition in view of law laid down by Hon'ble Apex Court in the case of “ *Saroj Kumari v.State of Punjab and others*” , 1998 (3) SCT 664

5. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to have recourse to other remedies available to him under law including to approach this Court.

(JASPAL SINGH)
JUDGE

May 4, 2018
jyoti-IV/sonika

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No