

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

CWP No.11095 of 2018

Date of Decision: 04.05.2018

Rakesh Kumar

...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 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. 05.03.2002 as per the principal policy under Finance Circular No.17/90 dated 23.04.1990(P-1), and in view of the judgments of this Hon'ble High Court, among others, in CWP No.20139 of 2015 (Annexure P-6) and CWP No.10689 of 2016 (Annexure P-7), passed in cases of similarly situated persons, with consequential re-fixation of pay and retiral benefits, and to release to the petitioner the arrears of revised pay and retiral benefits, pension along with interest @ 18% p.a..

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as Assistant Lineman/ALM on 05.03.1979 and retired from service on 31.03.2014, 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 31.03.2014 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 (P-5), 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.2 to look into the grievances unfolded by the petitioner in legal notice dated 02.04.2018 (P5) 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), 62/90 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. 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