

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.119

Civil Writ Petition No.12293 of 2018
DECIDED ON: May 16, 2018

RAJ KUMAR KANDA

..PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND
OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Pawan Kumar Goklaney, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 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 promotional increment(s), in view of instructions issued by the respondent-department as well as in view of the 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 (P-9) and CWP No. 10994 of 2016 (*Pritpal Singh Vs. Punjab State Power Corporation Ltd. & anr.*) decided on 20.12.2016 (P-10) by which the same benefit has already been granted to the similarly situated employees and further to grant the interest @ 12% per annum.

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2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as A.L.M. on 01.06.1980 and he became entitled for the release of benefit of 23 years promotional increment on 01.06.2003 but no such benefit was granted to him till date though the similar relief has already been granted to the other employees of the State of Punjab. The petitioner stood retired on 31.01.2012 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 23.02.2018 (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 (P-5), 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 23.02.2018 (P-5) and 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 instructions as well as the judgments referred to above in para 1 of this order. In case, competent authorities come to the conclusion that petitioner is entitled to the relief(s) claimed, it shall stand restricted to 38 months in view of Full Bench judgment of this Court in case ***“Saroj Kumari vs. State of Punjab & ors., 1998 (3) SCT 664”***.

4. As far as grant of interest on delayed payment is concerned that shall also be considered in view of judgment passed by Full Bench of this

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Court in case *A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468* as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as *Charan Dass vs. State of Punjab & Ors.* decided on July 11, 2017 and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

May 16, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**