

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

**CWP No. 17466 of 2018 (O&M)
DECIDED ON: AUGUST 13, 2018**

PAVITAR SINGH

...PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LTD. & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Lalit Sharma, Advocate
for the petitioner.

JASPAL SINGH, J. (ORAL)

CM No. 11070 of 2018

Application is allowed, as prayed for.

Annexures P-5 to P-7 are taken on record subject to all just exceptions. Be tagged at appropriate place.

Main case

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 23 year advance promotional increment(s), in view policy under

Finance Circular No.17/1990 dated 23.04.1990 (Annexure P-5) amended from time to time and also in view of the judgments of this Court passed in CWP No. 20139 of 2015 (Annexure P3) and CWP No. 10994 of 2016 (Annexure P4), passed in cases of similarly situated persons.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as Asstt. Lineman on 22.07.1986 and retired from service on 28.02.2013, thus, he became entitled for the release of benefit of 23 years promotional increment w.e.f. 22.07.2009 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 (P-3) and CWP No. 10994 of 2016 (*Pritpal Singh vs. Punjab State Power Corporation Ltd. & Anr.*) decided on 20.12.2016 (P-4). The petitioner stood retired on 28.02.2013 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 move representation/letter 15.06.2018 (P-1). Though, petitioner received the reply dated 26.06.2018 (P-2) to the letter dated 15.06.2018 (P-1), but till date no final decision has been taken by the authorities. Learned counsel further submits that the petitioner feels satisfied in case a direction is given to respondent No.2, to take a final decision on the aforesaid letter/representation (P-1), 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 letter dated 15.06.2018 (P-1) and to take a conscious decision that too, by passing a speaking order, 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 (P-5), 62/92, dated 16.12.1992 (P-2), 52/99 dated 09.11.1999 (P-6) and 20/2000, dated 28.07.2000 (P-7) 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

AUGUST 13, 2018
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***Whether speaking/reasoned:* Yes/No**
***Whether Reportable:* Yes/No**