

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

**CWP No.17668 OF 2018
DECIDED ON: AUGUST 10, 2018**

BIHARI LAL

.....PETITIONER

VERSUS

**PUNJAB STATE POWER CORPORATION
LTD. AND ORS.**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Rupinder K. Kanwal, Advocate,
for the petitioner.

JASPAL SINGH, J.

By virtue of instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought 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 Circular No.17/90 dated 23.04.1990 (P-1) especially in view of judgments passed by this Court in CWP No.20139 of 2016 (P-3) granting the financial benefit of promotion increment to all employees who have completed 23 years of regular service as on March 17, 2010 along with interest @ 18% p.a.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as Peon on 10.09.1982 and retired from service on 30.06.2011, thus, he became entitled for the release of benefit of 23 years promotional increment but no such benefit was granted to him till

date. She further contended that though the similar relief has already been granted to the other employees of the State of Punjab vide judgment passed by this Court in CWP No. 20139 of 2015, titled as ***“Chiman Singh v. Punjab State Power Corp. Ltd. and ors.”***, decided on 29.02.2016 (P-3). The petitioner stood retired on 30.06.2011 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 dated 11.05.2018 (P-4) to the respondents, 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(s), to decide the aforesaid representation (P-4), 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(s) to look into the grievances unfolded by the petitioner in representation (P-4) 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 No. 17/90, dated 23.04.1990 (P-1) and judgment 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.

AUGUST 10, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*
Whether reportable *Yes/No*