

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

**CWP No. 19001 of 2018
DECIDED ON: AUGUST 02, 2018**

BARHAM DASS

...PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LTD. & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Brijesh Nandan, 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 advance promotional increment(s), in view of Finance Circular No.17/1990 dated 23.04.1990 (Annexure P-1) especially in view of the judgments of this Hon'ble Court, among others in CWP No. 20139 of 2015 (Annexure P-8), CWP No. 10689 of 2016 (Annexure P-10), CWP No. 17313 of 2017 (P-12) and CWP No. 17100 of 2016 (P-14) as well as in view of the office orders (P-5 to P-7) passed by respondent-Corporation vide which the benefit of 23 years promotional increment has already been granted to similarly situated

employees 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-Corporation as work charge employee on 17.02.1977 and retired from service on 31.05.2017, 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 (P-8), CWP No. 10689 of 2016 (***Gursharan Singh vs. Punjab State Power Corporation Ltd. & ors***) decided on 26.05.2016 (P-10), CWP No. 17313 of 2017 (***Kashmir Singh vs. Punjab State Power Corporation Ltd. & ors***) decided on 08.08.2017 (P-12) and CWP No. 17100 of 2016 (***Paramjit Singh vs. Punjab State Power Corporation Ltd. & Ors***) decided on 27.03.2018 (P-14). The petitioner stood retired on 31.05.2017 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 10.12.2016 (P-11), 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-10), 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 10.12.2016 (P-11) 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), office orders (P-5 to P-7) and also in view of 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 02, 2018
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***Whether speaking/reasoned:* Yes/No**
***Whether Reportable:* Yes/No**