

CWP No. 19039 of 2018
DECIDED ON: AUGUST 02, 2018

JAGMOHAN LAL

.....PETITIONER

VERSUS

THE PUNJAB STATE POWER CORPORATION LIMITED LTD & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.S. Jaidka, 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 23 year advance promotional increment(s), w.e.f 28.10.1994.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-Corporation as Meter Reader on 28.10.1971 and retired from service on 31.08.2000, 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 judgment passed by this Court in CWP No.20139 of 2015 (*Chiman Singh Vs. Punjab State Power Corporation Ltd. & ors.*) decided on 29.02.2016. The petitioner stood retired on 31.08.2000 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 petitioner moved representation dated 19.07.2017 (P-2) but till date no response has been received. Learned counsel further submits that the petitioner feels satisfied in case a direction is given to respondents, to decide the aforesaid representation (P-2), 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 respondents to look into the grievances unfolded by the petitioner in his representation dated 19.07.2017 (P-2) 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 (P-1), as well as the 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 vs. 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 02, 2018
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(JASPAL SINGH)
JUDGE

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