

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19161 OF 2018
DECIDED ON: AUGUST 03, 2018

BALWINDER SINGH

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION
LTD. AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Brijesh Nandan, 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 the issuance of a writ particularly in the nature of Mandamus directing the respondents to grant him the benefit of 23 years promotional increment(s) in view of Finance Circular No.17/90 dated 23.04.1990 (P-1), especially in view of judgment passed by this Court in CWP No.17830 of 2017, titled as “Gurminder Singh v. PSPCL and others” (P-6) as well as in view of office order No.115 dated 25.04.2018 (P-7) and office order No.17/IRD-7256, dated 18.08.2003 (P-9) passed by respondent corporation, along with interest @ 18% p.a.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as work charge Driver on 15.07.1978 and as regular employee on 14.06.1982 and retired from service on

31.08.2010, 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. 17830 of 2007, titled as *“Gurminder Singh v. PSPCL and ors.,* decided on 11.08.2017. The petitioner stood retired on 31.08.2010 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 dated 30.03.2018 (P-8) upon 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 legal notice (P-8), 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 legal notice (P-8) 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 as well as order No.115 dated 25.04.2018 (P-7) and office order No.17/IRD-7256, dated 18.08.2003 (P-9). 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 03, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>