

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19534 OF 2018
DECIDED ON: AUGUST 07, 2018

JASWANT KAUR

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION
LTD. AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ravinder Sharma, 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 the benefit of 23 years promotional increment(s) to the petitioner in view of principal policy under Finance Circular No.17/90 dated 23.04.1990 amended from time to time with consequential re-fixation of pay and retiral benefits, pension and to release the arrears of revised pay and retiral benefits, pension along with interest @ 18% p.a.

2. The contention of learned counsel for the petitioner is that the husband of the petitioner had joined respondent-department as Assistant Lineman on 08.05.1969 and retired from service on 30.11.2006. After the death of Sukhdev Singh (deceased), his wife being widow is entitled for the release of

benefit of 23 years promotional increment but no such benefit was granted to her till date. He further contended that 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. 10808 of 2007, titled as ***“Paul Singh vs. Punjab State Power Corporation Ltd. & ors.,*** decided on 24.01.2012, CWP No. 10994 of 2016 titled as ***“Pritpal Singh Vs. Punjab State Power Corporation Ltd. & anr.,*** decided on 20.12.2016 and CWP No. 8391 of 2018, decided on 05.04.2018. The petitioner stood retired on 30.11.2006 on attaining the age of superannuation i.e. 58 years. He was taken away by the nature on 29.11.2016. The petitioner being wife of deceased-retiree and aggrieved of the non-disbursal of the benefits of 23 years promotional increment to her husband was constrained to serve legal notice dated 11.05.2018 (P-4) 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-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 legal notice (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 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 her 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, she shall be at liberty to have recourse to other remedies available to her under law including to approach this Court.

AUGUST 07, 2018
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(JASPAL SINGH)
JUDGE

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