

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20071 of 2018
DECIDED ON: AUGUST 13, 2018

SHANKAR SINGH

...PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LTD. & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Madan Lal Saini, Advocate
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 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 year advance promotional increment(s), in view Finance Circular No.17/1990 dated 23.04.1990 (Annexure P-1) amended from time to time along-with all consequential benefits that too, with interest @15% per annum.

2. The contention of learned counsel for the petitioner is that the

petitioner has joined respondent-department as Clerk on 03.08.1972 and retired from service on 31.03.2008, thus, he became entitled for the release of benefit of 23 years promotional increment but no such benefit was granted to him till date. 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 17.02.2018 (P-3), 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 legal notice (P-3), 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 legal notice dated 17.02.2018 (P-3) 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) amended from time to time. 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, his claim shall stand restricted to 38 months 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 under law including to approach this Court.

(JASPAL SINGH)
JUDGE

AUGUST 13, 2018

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***Whether speaking/reasoned:* Yes/No**

***Whether Reportable:* Yes/No**