

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.20744 OF 2018
DECIDED ON: AUGUST 20, 2018

PREM LATA

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION
LTD. AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harpreet Singh Jakhal, 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 him the benefit of promotional increment(s) in view of Finance Circular No.17/90 dated 23.04.1990 especially in view of judgments passed by this Court in CWP No. 10808 of 2007 (P-9) and CWP No.7538 of 2014 (P-10) as well as in view of order dated 11.05.2015 and 12.06.2015 (P-13 to P-15) passed by respondent-corporation by which the benefit of 23 years promotional increment has already been granted to the similar situated employees along with interest @ 18% p.a.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as Lower Division Clerk (LDC) on 19.02.1982 and retired from service on 31.09.2013, thus, she became 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 and CWP No. 7538 of 2014, decided on 04.02.2015. The petitioner stood retired on 31.09.2013 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 05.07.2018 (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 20, 2018
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(JASPAL SINGH)
JUDGE

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