

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.22216 OF 2018
DECIDED ON: SEPTEMBER 04, 2018

RAJ KUMAR AND ORS.

.....PETITIONERS..

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Narinder Lucky, Advocate,
for the petitioners.

JASPAL SINGH, J.

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus directing the respondents to grant benefit of 23 years promotional increment(s), in view of Finance Circular No.17/90 dated 23.04.1990 issued by the respondent-department amended from time to time, with consequential relief i.e refixation of pay and retiral benefits and also to release the same to them along-with arrears as well as interest @12% per annum.

2. At the very outset, learned counsel for the petitioners submits that the case of the petitioners is squarely covered under the judgments passed by this Court in CWP No.20139 of 2015 (*Chiman Singh Vs. Punjab State Power Corporation Ltd. & ors.*) decided on 29.02.2016 and CWP No. 10994 of 2016

(*Pritpal Singh Vs. Punjab State Power Corporation Ltd. & anr.*) decided on 20.12.2016, in which the relief of 23 years promotional increment(s) has been granted to the other employees of the State of Punjab.

3. He further submits that even petitioners moved representation dated 23.05.2018 (P-5) but till date neither any response has been received nor any conscious decision has been taken. He submits that petitioners feel satisfied in case a direction is given to respondents to decide the aforesaid representation (P-5), within a stipulated period.

4. 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 petitioners in representation (P-5) 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 judgments referred to above in para 2 of this order. In case, competent authorities come to the conclusion that petitioners are entitled to the relief(s) claimed, the same be released to them within a period of next 45 days.

4. Since, there is an inordinate delay on the part of the petitioners 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 petitioners still feel aggrieved by any of the orders passed by the aforesaid authority, they shall be at liberty to have recourse to

other remedies available to him under law including to approach this Court.

SEPTEMBER 04, 2018
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(JASPAL SINGH)
JUDGE

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