

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.22276 OF 2018
DECIDED ON: SEPTEMBER 04, 2018

CHANCHAL SINGH AND ORS.

.....PETITIONERS..

VERSUS

PUNJAB STATE POWER CORP. LTD. AND
ORS.

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Sonia G. Singh, Advocate,
for the petitioners.

JASPAL SINGH, J.

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus, directing the respondents to grant 23 years promotional increment benefit as per finance circular No.17/90 dated 23.04.1990 (P-2) and finance circular No.392 dated 28.07.2000 (P-3) and further to refix the pension/pay after grant of 23 years promotional increment.

2. At the very outset, learned counsel for the petitioners contends that though legal notice dated 03.07.2018 (P-7) was duly served upon the respondents but till date neither any response has been received nor any conscious decision has been taken. He further submits that petitioners feel satisfied in case direction is issued to respondents to decide aforesaid legal notice, within a stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with the direction to respondents to consider the claim of the petitioners put forth by them in legal notice (P-7) and to take a conscious decision by passing a speaking order in view of the aforesaid circulars dated April 23, 1990 and July 28, 2000, within a period of three months from the date of receipt of certified copy 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. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as ***“R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318*** as well as ***Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.***

5. 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*** qua petitioners except petitioner No.11.

6. However, if the petitioners still feel aggrieved against any of the order passed by the concerned authority, they shall be at liberty to approach this Court as well as to have recourse to the other remedies available under law.

SEPTEMBER 04, 2018

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Whether speaking/reasoned Yes

Whether reportable Yes/No

(JASPAL SINGH)
JUDGE