IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 24407 of 2018 (O&M)
and other connected cases
Date of Decision : 19.12.2018

Malkiat Singh

...Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Goklaney, Advocate,
Mr. Ashish Goklaney, Advocate,
Mr. J.S. Jaidka, Advocate,
Mr. Jagtar Singh Sidhu, Advocate,
Ms. Rupinder K. Kanwal, Advocate,
Ms. Harpinder Kaur Sandhu, Advocate,
Mr. Sunny Singla, Advocate and
Ms. Riti Aggarwal, Advocate,
Mr. Dinesh Maurya, Advocate for
Ms. Sonia G. Singh, Advocate,
Mr. G.P. Vashisth, Advocate,
Mr. Ravinder Sharma, Advocate,
Mr. Brijesh Nandan, Advocate,
Mr. Saravpreet Singh Gurna, Advocate,
Mr. Kanwaljeet Singh, Advocate,
Mr. Satvir Singh, Advocate,
Mr. Ashish Grover, Advocate and
Mr. G.S. Sandhu, Advocate
for the petitioners.

Mr. Rana Gurtej Singh, Advocate,
Mr. Alok Mittal, Advocate,
Mr. Rajesh Bhardwaj, Advocate,
Mr. Vikas Chatrath, Advocate,
Ms. Jasleen Kaur, Advocate,
Mr. Kirpal Singh Thakur, Advocate for
Mr. Abhilaksh Grover, Advocate,
Mr. Sehajbir Singh, Advocate,
Mr. Vaibhav Narang, Advocate,
Mr. Vinod S. Bhardwaj, Advocate,
Mr. Arav Gupta, Advocate,
Ms. Promila Nain, Advocate,
Ms. Gaganpreet Kaur, Advocate for
Ms. Malvika Singh, Advocate,
Mr. Pulkit Jain, Advocate for

KANCHAN
2019.01.24 16:11
I attest to the accuracy and
authenticity of this document
Chandigarh

Mr. Sahil Sharma, Advocate,
Ms. Monica Chhibber Sharma, Advocate,
Mr. Parminder Singh-I, Advocate,
for the respondents/PSPCL.

Harsimran Singh Sethi, J.(Oral)

1. The present order shall dispose of a bunch of writ petitions in which the petitioner(s) have asked for the financial benefits of promotional increments after completion of 23 years of service. In all the petitions, the same relief has been prayed for.

2. Learned counsel for the parties agree that the writ petitions involving the same facts had come up before the Co-ordinate Bench of this Court on 29.11.2018 on which date, a bunch of 396 writ petitions was disposed of by directing that the rights of the petitioner(s) therein will be governed by the decision in LPA No. 997 of 2016 titled ***Punjab State Power Corporation Limited Vs. Nirmala Rani,*** decided on 22.09.2016 as well as other connected appeals decided by the Division Bench. The said order passed by the Division Bench in LPA mentioned above, has already been upheld by Hon'ble the Supreme Court in SLP (C) Diary No. 30953 of 2017, which was dismissed on 13.10.2017.

3. While disposing of the writ petitions, the Co-ordinate Bench recorded that respondent-Corporation will also be bound by the decision taken in the meeting held on 21.08.2018 as well as in meeting held on 20.09.2018 while considering the cases of the petitioner(s) therein with regard to the prayer made for the grant of promotional increments after 23 years of service. The arrears have been restricted by the Co-ordinate Bench to 36 months prior to the date of filing of the writ petitions. The order passed by the Co-ordinate Bench on 29.11.2018 is as under :-

"1. *When CWP No. 20139 of 2015, Chiman Singh Vs. Punjab*

KANCHAN
2019.01.24 16:11
I attest to the accuracy and
authenticity of this document
Chandigarh

State Power Corporation Limited and others was decided on 29.02.2016, the following order was passed :-

> *1. This order will dispose of above-mentioned case as well as other writ petitions* tabulated at the foot of the order, as common questions of law and fact are involved in them which can conveniently be decided by a common order.*
>
> *2. Heard. These matters are covered by the decision of this Court rendered in LPA No. 883 of 2012, decided on July 3, 2012,which orders have attained finality with dismissal of SLP No.20468 of 212 and other connected petitions. A bunch of similar writ petitions have already invited judgment of the learned Single Judge in Mahinder Singh v. Punjab State Power Corporation Ltd. & Ors. (CWP No.19234 of 2015), decided on December 23, 2015 disposing of the case in the light of the principle laid down by the Division Bench in LPA No. 883 of 2012 and in the same terms. Meaning thereby that the cases of persons who retired from service before March 17, 2010 stand covered with the condition that the financial benefit of promotional increment will be granted to all the employees who have completed 23 years of regular service as on March 17, 2010.*
>
> *3. This petition and the connected writ petitions are disposed of in terms of the aforesaid orders.*

2. Subsequent to the passing of the order, the Corporation in its Board meeting held at Mohali on 02.08.2018 has resolved on the subject matter of grant of 23 years advance promotional increments to accord relaxation of terms and conditions thereof, which resolution dated 21.08.2018 reads as follows:

> "*Resolved that officers/Employees/Retirees whose 23 years advance promotional increment falls due from 16.12.1991 to 17.03.2010 be allowed the same from the due date as per instructions issued vide F.C. No. 62/1992 dated 16.12.1992.*
>
> *Further resolved that the pay/pension of the Officer/Employees/Retirees whose 23 years Advance Promotional increment falls due from 16.12.1992 to 17.03.2010 shall be fixed notionally and no arrear on account of pay, pension, gratuity leave encashment and commutation of pension etc. will be paid and only the financial benefit on account of difference of pay/pension fixed*

KANCHAN
2019.01.24 16:11
I attest to the accuracy and
authenticity of this document
Chandigarh

notionally shall be allowed from the date of notification (Circular) by PSPCL."

3. Further to the decision taken by the Board in its subsequent 71st meeting held on 20.09.2018, on the same subject matter it was decided as follows on 01.10.2018:

"Resolved that following amendments in existing instructions regarding grant of 23 years advance promotional increment issued vide FC No. 20/2000 dated 28.07.2000, FC No. 53/2011 dated 18.11.2011 for employees and FC No. 54/2011 dated 18.11.2011 for officers along with exemption of passing of departmental examination, if any, be and is hereby approved with effect from the date of issue of notification (Finance Circular) by PSPCL:

Sr. No.	***Present clauses***	***Proposed clauses***
1.	*He/she has the avenue of three promotions but has not earned three regular promotions in his/her regular service from the date of joining on the induction post/or any other post specifically declared as induction post for granting time bound promotional/devised promotional scale.*	*Deleted*
2.	*He/she has not earned third promotion in his/her regular service between 16th and 23rd years of service*	*He/she has not earned three promotions upto 23 years of regular service from the date of joining on the induction post/or any other post specifically declared as induction post for granting time bound promotional/devised promotional scale.*
3.	*he/she has not been placed in a scale which is higher than the scale of his/her next higher post*	*Deleted*
4.	*The increment(s) are in the nature of advance promotional benefits to be absorbed in the next regular promotion.*	*No change*
5.	*Those who forego promotion shall not be entitled for this benefit*	*No change*
6.	------	*The benefit of advance promotional increment will be allowed without change in grade pay (Wherever applicable) and the date of annual increment will remain unchanged.*

KANCHAN
2019.01.24 16:11
I attest to the accuracy and
authenticity of this document
Chandigarh

4. As a result, the rights of the petitioner/s will be governed by the decision in LPA No. 997 of 2016, 'Punjab State Power Corporation Limited Vs. Nirmala Rani' decided on 22.09.2016 and other connected appeals and the orders of the Supreme Court in Interlocutory Applications in SLP (C) Diary No. 30953 of 2017 dismissed on 13.10.2017 and keeping in view the two resolutions of the Corporation (supra) the further course of action, in any, will be governed by this order. Relief will be regulated on the cumulative effect of these judicial and administrative decisions. So far as payment of arrears of benefit of promotional increments is concerned, those will be determined by the Corporation restricted to 36 months from the date of filing of the respective writ petitions.

5. With these observations, these petitions are disposed of. The entire exercise be carried out within three months from the date of receiving of the certified copy of this order and the financial benefits be disbursed to the rightful owners/recipients within the next two months failing which the amounts will carry 6% interest till realisation."

(RAJIV NARAIN RAINA)
29.11.2018 *JUDGE"*
kv

4. Keeping in view the agreement between the parties, the bunch of writ petitions listed today before this Court be also disposed of in the same terms as disposed of by the Co-ordinate Bench of this Court vide order dated 29.11.2018 reproduced above.

Ordered accordingly.

December 19, 2018 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Following writ petitions are disposed of by the above said order.

KANCHAN
2019.01.24 16:11
I attest to the accuracy and
authenticity of this document
Chandigarh

Sr. No.	***Case No.***	***Parties Name***
1.	CWP No. 24408 of 2018	Raghbir Chand Vs. PSPCL and others
2.	CWP No. 24409 of 2018	Mohinder Singh Vs. PSPCL and others
3.	CWP No. 24410 of 2018	Harjinder Singh Vs. PSPCL and others
4.	CWP No. 24411 of 2018	Teja Singh Vs. PSPCL and others
5.	CWP No. 24412 of 2018	Resham Singh Vs. PSPCL and others
6.	CWP No. 24413 of 2018	Piara Singh Vs. PSPCL and others
7.	CWP No. 24414 of 2018	Ravi Shankar Vs. PSPCL and others
8.	CWP No. 24415 of 2018	Avtar Singh Vs. PSPCL and others
9.	CWP No. 24416 of 2018	Phuman Singh Vs. PSPCL and others
10.	CWP No. 24417 of 2018	Kartaro Bai Vs. PSPCL and others
11.	CWP No. 24418 of 2018	Taro Bai Vs. PSPCL and others
12.	CWP No. 24419 of 2018	Ramesh Kumari Vs. PSPCL and others
13.	CWP No. 24420 of 2018	Sushila Devi Vs. PSPCL and others
14.	CWP No. 24339 of 2018	Harbans Singh Vs. PSPCL and others
15.	CWP No. 24343 of 2018	Balwant Singh Vs. PSPCL and others
16.	CWP No. 24371 of 2018	Shusham Lata Dutta Vs. PSPCL and others
17.	CWP No. 24858 of 2018	Balwinder Singh Vs. PSPCL and others
18.	CWP No. 24859 of 2018	Daler Singh Vs. PSPCL and others
19.	CWP No. 24860 of 2018	Hakam Singh Vs. PSPCL and others
20.	CWP No. 24861 of 2018	Surinder Pal Vs. PSPCL and others
21.	CWP No. 24862 of 2018	Hans Raj Vs. PSPCL and others
22.	CWP No. 24863 of 2018	Rani Vs. PSPCL and others
23.	CWP No. 24918 of 2018	Ved Parkash Vs. PSPCL and others
24.	CWP No. 24919 of 2018	Piara Singh Vs. PSPCL and others
25.	CWP No. 24920 of 2018	Darshan Singh Vs. PSPCL and others
26.	CWP No. 24921 of 2018	Jagnandan Singh Vs. PSPCL and others
27.	CWP No. 24922 of 2018	Gurdev Singh Vs. PSPCL and others
28.	CWP No. 24923 of 2018	Balkar Singh Vs. PSPCL and others
29.	CWP No. 25891 of 2018	Buta Singh Vs. PSPCL and others
30.	CWP No. 25900 of 2018	Sadiq Mohmad Vs. PSPCL and others
31.	CWP No. 25901 of 2018	Bachittar Singh Vs. PSPCL and others
32.	CWP No. 25902 of 2018	Prem Singh Vs. PSPCL and others
33.	CWP No. 25905 of 2018	Jeet Singh Vs. PSPCL and others
34.	CWP No. 25906 of 2018	Ashok Kumar Vs. PSPCL and others
35.	CWP No. 25907 of 2018	Mukhtiar Singh Vs. PSPCL and others
36.	CWP No. 25909 of 2018	Om Parkash Vs. PSPCL and others
37.	CWP No. 25910 of 2018	Neela Singh Vs. PSPCL and others
38.	CWP No. 25911 of 2018	Prithvi Raj Vs. PSPCL and others
39.	CWP No. 25912 of 2018	Gian Singh Vs. PSPCL and others
40.	CWP No. 25913 of 2018	Bhim Sain Vs. PSPCL and others
41.	CWP No. 25914 of 2018	Gurran Ditta Singh Vs. PSPCL and others

KANCHAN
2019.01.24 16:11
I attest to the accuracy and
authenticity of this document
Chandigarh

Sr. No.	***Case No.***	***Parties Name***
42.	CWP No. 5319 of 2017	Jagir Singh Vs. PSPCL and others
43.	CWP No. 20050 of 2017	Krishna Devi Vs. PSPCL and others
44.	CWP No. 978 of 2018	Surjit Singh and others Vs. Punjab State Transmission Limited and another
45.	CWP No. 7201 of 2018	Harnek Singh Vs. PSPCL and others
46.	CWP No. 7215 of 2018	Harnek Singh Vs. PSPCL and others
47.	CWP No. 7220 of 2018	Naranjan Singh Vs. PSPCL and others
48.	CWP No. 7225 of 2018	Tarsem Kumar Vs. PSPCL and others
49.	CWP No. 14439 of 2018	Jaspal Singh Aujla Vs. PSPCL and others
50.	CWP No. 16615 of 2018	Bhupinder Singh and others Vs. PSPCL and others
51.	CWP No. 22279 of 2018	Mehnga Singh Vs. PSPCL and others
52.	CWP No. 22462 of 2018	Baldev Singh and others Vs. PSPCL and others
53.	CWP No. 22859 of 2018	Gurnam Singh Vs. PSPCL and others
54.	CWP No. 22996 of 2018	Des Raj Nandda and others Vs. PSPCL and others
55.	CWP No. 23251 of 2018	Balram Chabba Vs. PSPCL and another
56.	CWP No. 24501 of 2018	Mohan Lal Vs. PSPCL and others
57.	CWP No. 24999 of 2018	Raghbir Singh Vs. PSPCL and others
58.	CWP No. 23643 of 2018	Kulwant Kaur Vs. PSPCL and others
59.	CWP No. 13536 of 2018	Karnail Kaur Vs. PSPCL and another
60.	CWP No. 27588 of 2018	Ashok Kumar Puri and others Vs. PSPCL and others
61.	CWP No. 30317 of 2018	Chhota Singh Vs. PSPCL and others
62.	CWP No. 30259 of 2018	Ranjit Singh Vs. PSPCL and others
63.	CWP No. 30262 of 2018	Balbir Singh Vs. PSPCL and others
64.	CWP No. 30306 of 2018	Krishan Kumar Vs. PSPCL and another
65.	CWP No. 30355 of 2018	Tej Singh Vs. PSPCL and others
66.	CWP No. 30666 of 2018	Mohinder Singh and others Vs. PSPCL and others
67.	CWP No. 31161 of 2018	Swarna Rani Vs. PSPCL and others
68.	CWP No. 31172 of 2018	Jagdish Rai Vs. PSPCL and others
69.	CWP No. 31313 of 2018	Sukhdev Singh Vs. PSPCL and others
70.	CWP No.33494 of 2018	Gurmail Singh Vs. PSPCL and others
71.	CWP No. 37665 of 2018	Tara Singh Vs. PSPCL and another

A photocopy of this order be placed on the files of other connected cases.

December 19, 2018 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No

KANCHAN
2019.01.24 16:11
I attest to the accuracy and
authenticity of this document
Chandigarh