

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.105

Civil Writ Petition No.28108 of 2017
DECIDED ON: March 21, 2018

MEHNGA SINGH

..PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND OTEHS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Brijesh Nandan, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through 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 promotional increment(s), in view of circular dated 23.04.1990 (Annexure P1), especially, in view of 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 (P-8) and CWP No. 10689 of 2016 (*Gursharan Singh Vs. Punjab State Power Corporation Ltd. & ors.*) decided on 26.05.2016 (P-9) as well as in view of the office orders dated 12.06.2015 (P-6 & P-7), vide which the same benefit has already been granted to the similarly situated employees with further

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directing the respondents to decide his legal notice dated March 07, 2017 (P-12) along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as U.D.C. on 16.04.1973 and he became entitled for the release of benefit of 1st, 2nd and 3rd promotional increments but no such benefit was granted to him till date though the similar relief has already been granted to the other employees of the State of Punjab. The petitioner stood retired on 28.02.2005 on attaining the age of superannuation i.e. 58 years. During his service, he moved various representations (P-4 & P-11) to the respondents, but till date, no benefit has been granted to him. The petitioner being aggrieved of the non-disbursal of the aforesaid benefits of promotional increments was constrained to serve a legal notice upon the respondents on 07.03.2017 (P-12), but till date no response has been received. Learned counsel further submits that the petitioner feels satisfied in case a direction is issued to respondent No.1, to decide the aforesaid legal notice (P-12), within specified 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 No.1 to consider the various grievances unfolded by the petitioner in the legal notice dated 07.03.2017 (P-12) and 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 instructions as well as the judgments referred to above in para 1 of this order. In case, competent authorities come to the conclusion that petitioner is entitled to the relief(s) claimed, it shall stand restricted to 38 months in view of Full

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Bench judgment of this Court in case “*Saroj Kumari vs. State of Punjab & ors., 1998 (3) SCT 664*”. In case of passing an adverse order or rejection of this claim putforth by the petitioner, she shall be at liberty to approach this Court.

March 21, 2018
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No