

116 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 2664 of 2018
DECIDED ON: FEBRUARY 06, 2018**

HIRA SINGH DHILLON

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORPN AND ORS

.....RESPONDENTS

CORAM:HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harpinder Kaur Sandhu, Advocate
 for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus, directing the respondents to grant him the benefit of promotional increment(s) 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 office orders dated May 11, 2015 and June 12, 2015 (P-13 to P-15) passed by respondent-Corporation by which the same benefit has already been granted to the similarly situated employees.

2. The contention of learned counsel for the petitioner is that petitioners stood retired on attaining the age of superannuation on January 31,

2003 and during his entire service career he got only two promotions. She further submits that the respondent-Board has issued a finance circular No. 53/2011 dated November 18, 2011 in which it has been clarified that if promotional scale after completion of 9/16 years of service has been granted to an employee even then he is entitled for the release of promotional increment after completion of 23 years of service.

3. She further submits that petitioner requested the respondent Board time and again to release the afore-said benefit, which has been claimed through instant petition. Though, petitioner served a legal notice dated December 22, 2017 (P-4) upon the respondents with regard to the relief claimed through the instant petition but till date no response to the afore-said notice has been received by the petitioner and the respondents-authorities are seized of the matter. Petitioner feels satisfied, in case a direction is issued to respondents to deal with the legal notice (P-4) and to take conscious decision within time bound manner.

4. Accordingly, instant petition is disposed of with a direction to the respondents to look into the grievances unfolded by the petitioner in the legal notice (P-4), and to take a conscious decision in accordance with law, rules and regulations as well as instructions issued by the government from time to time and also in view of judgments (P-9 and P-10) and office orders dated May 11, 2015 and June 12, 2015 (P-13 to P-15), within a period of four months, from the date of receipt of certified copy of this order. However, in case the authorities come to the conclusion that petitioners are entitled to the relief(s) claimed by them through the instant petition, the same shall be released within next 45

days. Since there is an inordinate delay the claim of the petitioner shall stand restricted to 38 months 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 the petitioner still feels aggrieved by any of the order passed by the concerned authority, he shall be at liberty to approach this Court.

FEBRUARY 06, 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>