

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

**CWP No. 3700 of 2018
DECIDED ON: FEBRUARY 17, 2018**

KIRPAL SINGH

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LTD & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J. (ORAL)

1. By virtue of the instant civil writ 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 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) and CWP No. 27468 of 2017 (*Jaspal Singh vs. Punjab State Power Corporation Ltd & ors.*) decided on December 02, 2017 (P-11) as well as in

view of the office orders (P-5 to P-7), vide which the same benefit has already been granted to the similarly situated employees with further direction to the respondents to decide his legal notice dated May 30, 2017 (P-10) along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as Driver on 24.04.1966 and after 23 years service i.e. on 24.04.1989, he became entitled to the benefit of 23 years promotional increments as per policy of department but he has not been granted the said benefit till date though, similar relief has already been granted to the other employees of the State of Punjab. The petitioner stood retired on March 31, 2003 on attaining the age of superannuation i.e. 58 years. The petitioner being aggrieved of the non-disbursal of the benefits of 23 years promotional increment, was constrained to serve legal notice upon the respondents on 30.05.2017 (P-10), but till date no response has been received. Learned counsel further submits that the petitioner feels satisfied in case a direction is given to respondents, to decide the legal notice, within a stipulated 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 respondents to look into the grievances unfolded by the petitioner in legal notice (Annexure P-10) and to take a conscious decision within a period of four 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 authority comes to the conclusion that petitioner is entitled to

the relief(s) claimed, the same be released to him within a period of next 45 days. The grant of interest in view of judgment passed by Full Bench of this Court in case *A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468* as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as *Charan Dass vs. State of Punjab & Ors.* decided on July 11, 2017, shall also be considered on delayed payment(s).

4. However, the claim of the petitioner shall stands 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 vs. State of Punjab and others*”, 1998 (3) SCT 664, on account of therebeing, delay and laches on the part of the petitioner in approaching the Court.

5. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

February 17, 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>