

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.112

Civil Writ Petition No.4007 of 2018
DECIDED ON: February 20, 2018

GURDIAL SINGH

..PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND
OTHERS

...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 especially 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

Civil Writ Petition No.4007 of 2018

situated employees with further directing the respondents to decide his legal notice dated December 20, 2016 (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 July 07, 1982 as regular employee and he became entitled for the release of benefit of 23 years promotional increment on July 07, 2005 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 December 31, 2010 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 a legal notice upon the respondents on December 20, 2016 (P-10), but till date no conscious decision has been taken so far. Learned counsel further submits that the petitioner feels satisfied in case a direction is given to respondent No.2, to decide the aforesaid legal notice, within some 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.2 to look into the grievances unfolded by the petitioner in legal notice December 20, 2016 (P-10) and decide the same particularly in the light of the instructions as well as the judgments referred to above in para no.1 of this order, within a period of three months from the date of receipt of a certified copy of this order. In case, competent authorities come to the conclusion that petitioner is entitled to the relief(s) claimed, it shall

Civil Writ Petition No.4007 of 2018

--3--

shall stand restricted to 38 months in view of Full Bench judgment of this Court in ***“Saroj Kumari v. State of Punjab and others”, 1998(3) SCT 664.***

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 ***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 and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab. In case, non compliance of this order, petitioner shall be at liberty to have recourse to other remedies available under the law as well as to approach this Court.

February 20, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**