

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.124

Civil Writ Petition No.4041 of 2018
DECIDED ON: February 20, 2018

BALWINDER 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 petitioners.

JASPAL SINGH, J. (ORAL)

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 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 situated employees with further directing the

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respondents to decide his legal notice dated September 18, 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 May 01, 1985 as work charge and his services were regularized on July 15, 1987 and he became entitled for the release of benefit of 23 years promotional increment on July 15, 2010 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 February 28, 2015 as Drive 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 September 18, 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 respondent No.2, to decide the aforesaid 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 respondent No.2 to look into the grievances unfolded by the petitioner in legal notice dated September 18, 2017 (P-10) and take a conscious decision by passing a speaking order, 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 no.1 of this order. In case, competent authorities come to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within a period

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of next 45 days. Factum 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 and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, be also considered on delayed payment(s). 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**