

CWP No. 4139 of 2018

DECIDED ON: FEBRUARY 21, 2018

SUSHIL KUMAR

.....PETITIONER

VERSUS

THE CHIEF MANAGING DIRECTOR BBMB AND 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) and circular dated 18.11.2011 (Annexure P-4A) and 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-6), CWP No. 10689 of 2016 (Gursharan Singh Vs. Punjab State Power Corporation Ltd. & ors.) decided on 26.05.2016 (P7) as well as judgment passed in CWP No. 23504 of 2017 (P-9) vide which the same benefit has already been granted to the similarly situated employees as well as to release all the consequential benefits along with interest.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as Driver on 09.01.1976 and he became entitled for the release of benefit of 23 years promotional increment on 09.01.1999 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 31.03.2013 on attaining the age of superannuation i.e. 58 years. During his service, he moved representation dated 21.09.2002 (Annexure P-4) to the Executive Engineer, Thermal Power Generation Plant, Nangal, District Roar, Punjab, but till date, no benefit has been granted to him. The petitioner being aggrieved of the non-disbursal of the benefits of 23 years promotional increment was constrained to serve legal notice (P-8) upon the respondents on 10.12.2016, 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 respondent No.2 to look into the grievances unfolded by the petitioner in legal notice (Annexure P-8) 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 authorities come 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. 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, be also considered on delayed payment(s).

4. However, in case, petitioner still feels aggrieved of the order passed by concerned authority, he shall be at liberty to approach this Court.

February 21, 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>