

CWP No.4565 of 2018

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

Sr.No.115

**CIVIL WRIT PETITION No.4565 of 2018
DECIDED ON: FEBRUARY 26, 2018**

RAJINDER KUMAR GUPTA AND ANOTHER

.....PETITIONERS..

VERSUS

**PUNJAB STATE POWER CORPORATION LIMITED (PSPCL) AND
OTHERS**

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Sonia G. Singh, Advocate, for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus directing the respondents to grant 23 years promotional increment benefit as per Finance Circular No.17/90 dated April 23, 1990 and Finance Circular No.392, dated July 28, 2000 with further prayer that the pension/pay of the petitioners be refixed after grant of 23 years promotional increment.

2. At the very outset of the arguments, learned counsel for the petitioners submits that though legal notice dated May 28, 2017 (P-7) was duly served upon the respondents but till date no conscious decision has been taken so far. She further submits that petitioners feel satisfied in case direction is issued to respondents No.2 & 3 to decide aforesaid legal notice, within a stipulated period.

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3. Instant petition is disposed of with a direction to respondents No.2 & 3 to look into the grievances unfolded by the petitioners in the legal notice dated May 28, 2017 (P-7) and to take a conscious decision by passing a speaking order as per rules, regulations and instructions issued by the Government from time to time as well as judgment (Annexure P-12), within a period of four months from the date of receipt of a certified copy of this order. In case, the authorities concerned come to the conclusion that the petitioners are entitled to the relief(s) claimed, it shall stand restricted to 38 months in view of Full Bench judgment of this Court in case ***“Saroj Kumari vs. State of Punjab & ors., 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.

5. However, if the petitioners does not feel satisfied with any order passed against them or the claim putforth is rejected by the concerned authority, they shall be at liberty to approach this Court.

FEBRUARY 26, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

***Whether speaking/reasoned
Whether reportable***

***Yes
Yes/No***