

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.113

Civil Writ Petition No.7187 of 2018
DECIDED ON: March 27, 2018

NOHAR SINGH

..PETITIONER

VERSUS

**PUNJAB STATE POWER CORPORATION LIMITED AND
OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Saravpreet Singh Gurna, Advocate,
for the petitioner.

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 particularly in the nature of Mandamus directing the respondents to grant him the benefit of 23 year advance promotional increment(s), in view of circular No.17/1990 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-6) and CWP No. 10689 of 2016 (*Gursharan Singh Vs. Punjab State Power Corporation Ltd. & ors.*)

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decided on 26.05.2016 (P-7) vide which the same benefit has already been granted to the similarly situated employees with further to release the arrears of revised pay and retiral benefits along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as Assistant Lineman on 01.01.1973 and he became entitled for the release of benefit of 23 year advance promotional increment on 01.01.1996 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 31.05.2007 on attaining the age of superannuation i.e. 58 years. The petitioner being aggrieved of the non-disbursal of the aforesaid benefit was constrained to serve a legal notice upon the respondents on 01.03.2018 (P-5), but till date no response has been received. Learned counsel further submits that the petitioner feels satisfied in case a direction is issued to respondents, to decide the aforesaid legal notice (P-5), within 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 respondents to consider the various grievances unfolded by the petitioner in the legal notice dated 01.03.2018 (P-5) and take a conscious decision 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 1 of this order. In case, competent authorities come to the conclusion that petitioner is entitled to the relief(s) claimed, it

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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*”. In case of passing an adverse order or rejection of this claim putforth by the petitioner, he shall be at liberty to approach this Court.

March 27, 2018
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No