

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.146

Civil Writ Petition No.8005 of 2018
DECIDED ON: April 02, 2018

SUSHIL KUMAR

..PETITIONER

VERSUS

THE CHIEF MANAGING DIRECTOR, BBMB, SECTOR 19,
CHANDIGARH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Brijesh Nandan, 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 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 (P-1), and circular dated 18.11.2011 (P-5) 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-7) and CWP No. 10689 of 2016 (*Gursharan Singh Vs. Punjab State Power Corporation Ltd. & ors.*) decided on 26.05.2016 (P-8) and CWP No.23504 of 2017 (*Chanchal Singh vs. The Chief Managing Director, BBMB, Chandigarh & ors.*) decided on November 13, 2017 (P-9), vide which the same benefit has already been granted to the similarly

Civil Writ Petition No.8005 of 2018

situated employees with further directing the respondents to decide his legal notice dated 20.11.2017 (P-10) and representation dated 21.10.2004 (P-4) along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as Auto Electrician 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 21.10.2004 (P-4) to the Executive Engineer, Generation (Transport & Power Wing) Nangal, District Rupnagar, 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 upon the respondents on 20.11.2017 (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 legal notice (P-10), 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 20.11.2017 (P-10) 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

Civil Writ Petition No.8005 of 2018

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, 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 and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, be also considered on delayed payment(s). However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

April 02, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No