113 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8387 of 2018
DECIDED ON: APRIL 05, 2018

SURJIT SINGH

..PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Kanwaljeet Singh, 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) w.e.f. 15.05.2009, in view of Finance Circular No.17/90 dated 23.04.1990 issued by the respondent-department amended from time to time, with consequential relief i.e refixation of pay and retiral benefits and also to release the same to him along-with arrears as well as interest @12% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner has joined respondent-department as A.L.M. on 15.05.1986 and

Sham Sunder
2018.04.16 14:41
I attest to the accuracy and
integrity of this document
HIGH COURT CHANDIGARH

he became entitled for the release of benefit of 23 years promotional increment on 15.05.2009 but no such benefit was granted to him till date. He further contended that though the similar relief has already been granted to the other employees of the State of Punjab vide 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 and CWP No. 10994 of 2016 (***Pritpal SinghVs. Punjab State Power Corporation Ltd. & anr.***) decided on 20.12.2016. The petitioner stood retired on 28.02.2017 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 legal notice upon the respondents on 07.03.02018 (P-5), 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.1, to decide the aforesaid legal notice (P-5), 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.1 to look into the grievances unfolded by the petitioner in legal notice dated 07.03.2018 (P-5) and to 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 Circular Nos. 17/90, dated 23.04.1990 (P-1), 52/99, dated 09.11.1999 (P-2) and 20/2000, dated 28.07.2000 as well as the judgments referred to above in para 2 of this order. In case, competent authorities come to the conclusion that petitioner is entitled to

Sham Sunder
2018.04.16 14:41
I attest to the accuracy and
integrity of this document
HIGH COURT CHANDIGARH

the relief(s) claimed, the same be released to him within a period of next 45 days.

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to have recourse to other remedies available to him under law including to approach this Court.

April 05, 2018 **(JASPAL SINGH)**
sham **JUDGE**

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

Sham Sunder
2018.04.16 14:41
I attest to the accuracy and
integrity of this document
HIGH COURT CHANDIGARH