

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 8391 of 2018
DECIDED ON: APRIL 05, 2018

OM PARKASH

..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. 28.08.1994, 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 Lineman/LM on 28.08.1971

and he became entitled for the release of benefit of 23 years promotional increment on 28.08.1994 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 Singh Vs. Punjab State Power Corporation Ltd. & anr.***) decided on 20.12.2016. The petitioner stood retired on 31.12.2004 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 07.03.2018 (P-5), but till date no response has been received. Learned counsel further submits that the petitioner feels satisfied in case a direction is 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 (P-3) 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

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

4. Since, there is an inordinate delay on the part of the petitioner in approaching the court, the claim shall stand restricted to 38 months prior to the filing of instant petition in view of law laid down by Hon'ble Apex Court in the case of "*Saroj Kumari v.State of Punjab and others*", 1998 (3) SCT 664

5. 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
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No