

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

Letters Patent Appeal No. 1849 of 2018 (O&M)

Date of Decision: 19.03.2019

Punjab State Power Corporation Limited through its Chairman and others

.....Appellants

versus

Gurdeep Singh

.....Respondent

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. G.S.Ghuman, Advocate, for the appellants.

Mr. Pawan Kumar Goklaney, Advocate, for the respondent.

Mr. Brijesh Nandan, Advocate for the respondents in
LPA Nos. 171-2019 and 188-2019.

Mr. Kanwaljeet Singh, Advocate for respondents in
LPA Nos. 528-2019, 370-2019 and 529-2019.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This order shall dispose of all these Letters Patent Appeal Nos.
1849-2018, 1850-2018, 3712-2018, 3713-2018, 3714-2018, 4943-2018,
2411-2018, 9744-2018, 26-2019, 27-2019, 28-2019, 29-2019, 40-2019, 48-
2019, 53-2019, 54-2019, 55-2019, 63-2019, 65-2019, 96-2019, 97-2019,
98-2019, 99-2019, 100-2019, 101-2019, 102-2019, 103-2019, 105-2019,
15-2019, 123-2019, 124-2019, 125-2019, 126-2019, 127-2019, 128-2019,
129-2019, 130-2019, 131-2019, 132-2019, 133-2019, 134-2019, 162-2019,
163-2019, 164-2019, 165-2019, 166-2019, 167-2019, 168-2019, 169-2019,
170-2019, 171-2019, 172-2019, 185-2019, 186-2019, 187-2019, 188-2019,

203-2019, 204-2019, 205-2019, 207-2019, 218-2019, 192-2019, 193-2019, 194-2019, 434-2019, 364-2019, 370-2019, 389-2019, 417-2019, 418-2019, 524-2019, 528-2019 and 529-2019, as all these intra-court appeals are directed against the common judgment of the learned Single Judge dated 27.03.2018 allowing the writ petitions filed by the respondents-employees in terms of the judgment and order dated 29.02.2016 passed in Civil Writ Petition No. 20139-2015 ***Chiman Singh v. Punjab State Power Corporation Ltd. and others***, which was based on identical set of facts and facts and circumstances.

2. It is undisputed that the decision rendered in ***Chiman Singh v. Punjab State Power Corporation Ltd. (supra)*** was further based on a decision rendered in Letters Patent Appeal No. 883 of 2012 decided on 03.07.2012 which was affirmed by dismissal of the Special Leave Petition No. 20468 of 2012 and other connected matters by the Hon'ble Apex Court.

3. During the course of arguments, much stress has been laid by learned counsel for the appellants on the judgment dated 22.09.2016 rendered by another co-ordinate Bench in Letters Patent Appeal No. 997 of 2016 and other connected matters. Referring to the operative portion of the said judgment it has been urged that the liberty was given to the appellants therein to approach the learned Single Judge for modification of the impugned judgment(s) in case they are able to demonstrate that the concerned writ petitions are not eligible for promotional increment on the relevant date. For ready reference, the operative portion of the said judgment on which strong stress has been laid by learned counsel for the appellants is extracted herein as under:-

“We, therefore, dismiss these appeals by holding that the retrospective deletion of the relevant feature Nos. 7 and 8 in the original Financial Order dated 23.04.1990, is not in accordance with law. However, the appellants are at liberty to approach the learned Single Judge for modification of the impugned judgment(s), if in any given case they can show that the concerned writ petition had actually not become eligible for promotional increment on the relevant date i.e. 17.03.2010.”

4. It may be relevant to point out that the issue before the Division Bench in the aforesaid Letters Patent Appeal was with respect to deletion of certain features i.e. features No. 7 and 8 from the notification on the basis of which it was contended that the employees are not entitled to promotional increments. The Division Bench found that the subsequent deletion would not take away the rights already vested by the earlier notification in the employees and accordingly held that the retrospective deletion is not in accordance with law. Factually, it may be relevant to point out that the appellant-corporation herein in pursuance of the liberty given by the Coordinate Bench in Letters Patent Appeal No.997 of 2016 and connected appeals (supra) approached the learned Single Judge for modification of the order which was dismissed. Letters Patent Appeal filed against the order of the learned Single Judge was dismissed. Thereafter the matter was taken to the Hon’ble Apex Court by way of Special Leave Petition which has also been dismissed. The issue in LPA No. 997 of 2016 was entirely different and thus reliance placed thereon is totally misfounded.

5. It is also relevant to point out at this stage that even this issue was raised before the learned Single Judge by pointing out that some issues involved in the present petitions have not been discussed in ***Chiman Lal***

case (supra). However, the learned Single Judge repelled the arguments by recording that “**there are no elaborations or details of such issues, which have neither been stated before this Court or has come on record**”.

6. In view of above facts and discussion we are not persuaded to take a different view as taken by the learned Single Judge which is based on the Division Bench judgment rendered in LPA No. 883 of 2012 and affirmed by the Hon’ble Apex Court.

Consequently all the appeals are devoid of merits and accordingly stand dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

19.03.2019
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Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No