

In the High Court of Punjab and Haryana at Chandigarh

213

CWP-17894-2009 (O & M)

Date of Decision: May 18, 2022

SURINDER KUMAR

.....PETITIONER

VERSUS

P.S.E.B. AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.V.K. Shukla, Advocate for the petitioner.

Mr. Vikas Chatrath, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking a direction to the respondents to grant him the benefit of promotional increments.

Learned counsel for the petitioner submits that the respondents are denying the claim of the petitioner on the ground that the petitioner has not passed the requisite departmental examination. He has relied upon the judgments of the Coordinate Bench passed in CWP-16148-2013 titled as **Kanwar Pal Singh vs. Punjab State Power Corporation Limited and others** decided on 13.03.2015 and a Division Bench of this Court passed in LPA-1148-2015 titled as **PSPCL & Ors vs. Kanwal Pal Singh** decided on 08.05.2017 and contends that the condition of qualifying departmental examination could not be imposed for the purpose of grant of promotional increments.

Learned counsel for the respondents, however, submits that the promotional increments had been denied to the petitioner not only on account of the petitioner failing to pass the requisite departmental examination but also because he was ineligible.

Heard.

The petitioner is stated to have joined as a Lower Division Clerk on ad hoc basis on 06.12.1976. His services were regularised on 01.04.1978. He was promoted as Upper Division Clerk on 18.07.2008. The Board has issued a circular on 28.07.2000 for extending the benefits of promotion increments to its employees on completion of 23 years of service. The material on record indicates that the petitioner has sent a notice of demand on 28.05.2009 but the same has not been replied to and no order has been passed by the respondents rejecting the claim of the petitioner. It has been held by this Court in Kanwar Pal Singh's case (supra) that the condition of qualifying the departmental examination could not be a ground to deny the promotional increments.

Consequently, the petition is disposed of with a direction to the Chief Engineer (DS) West Zone, PSPCL, Patiala to consider the claim of the petitioner in the light of the relevant rules/instructions and pass a speaking order within a period of 04 months from the date of receipt of certified copy of this order. In case the petitioner is found entitled to the grant of promotional increments, the arrears accruing thereon shall be released within a period of 02 months thereafter. The arrears would be restricted to the period of 38 months prior to the filing of this petition.

(ANUPINDER SINGH GREWAL)
JUDGE

May 18, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No