

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-123-2019
Date of decision : 06.02.2023

Narinder Singh Petitioner
versus

PSPCL and others Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.K. Rattan, Advocate
for the petitioner.

Mr. Sehaj Bir Singh, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

By way of present writ petition, the petitioner seeks writ in the nature of mandamus directing the respondents to grant pension and other pensionary benefits, regularizing the period of absence caused due to illness from 04.10.1997 to 10.03.1999 (523 days) as leave of kind due and also for grant of ACP/Time Bound Pay Scale as admissible to him w.e.f. 01.01.2006.

2. So far as the claim of the petitioner w.r.t. the retiral benefits and of considering the absence of the petitioner as leave of kind due is concerned, respondents in their written statement have taken a specific stand to the following effect:

“xx xx xx

6. That after converting the absence period of the petitioner to leave of kind due the arrears admissible to the petitioner amounting to Rs.20,65,823/- have been released vide three cheque(s) the details of which are provided hereinunder:-

Sr.No.	Cheque No.	Amount	Date
1.	683513	Rs.5,90,486/-	04.10.2019
2.	088460	Rs.4,83,962/-	04.10.2019
3.	737837	Rs.9,91,375/-	04.10.2019

7. That the pension payment order (including all other pensionary benefits) have to be approved and released by the Head Office situated at Patiala, an exercise which is currently being undertaken and the necessary action shall be done at the earliest and the relevant pensionary benefits of the petitioner shall be released to him.”

3. The petitioner retired on 31.01.2018, the benefits have been released only on 04.10.2019. Resultantly, the petitioner is held entitled for interest @ 6% per annum for the period from 01.05.2018 till the date of actual realization i.e. 04.10.2019.

4. The claim w.r.t. ACP/Time Bound Pay Scale as claimed by the petitioner still awaits adjudication at the hands of the respondents. Coordinate Bench in ***CWP No.27130 of 2019*** titled as '***Shavinder Singh vs. Punjab State Power Corporation Limited and others***' held as under:-

“xx xx xx

The petitioners are granted time upto 31.08.2022 to raise objections before the respondents-Corporation in respect of any orders, which have been passed by the respondents-Corporation declining them the grant of promotional increment after rendering 23 years of service.

The time limit for filing the objections has been set as the petitioners are in litigation since long and most of them have retired from service.

The present writ petitions are hereby disposed of with the direction to the respondents-Corporation that in case, any of the petitioners, raise any grievance, within the time limit specified hereinbefore, with regard to the declining of their claim by the authorities concerned by

pointing out certain factual aspect or bringing to the notice of the authorities that they are eligible for the grant of the benefit of promotional increment after 23 years of service, the Corporation, as undertaken, will pass appropriate orders on their representation within a period of three months from the receipt of the same and in case, after passing of the order, the petitioners are found entitled for any benefit, the same be also released to them within a period of four weeks thereafter.”

5. Resultantly, the present petition is disposed off with a direction to the respondents to consider the claim of the petitioner for time bound pay scale admissible to him on completion of 9/16/23 years of service. The petitioner is granted time upto 31.03.2023 to raise his claim with the respondent-Corporation. The respondent-Corporation shall decide upon the grievance of the petitioner and his claim on such time bound pay scale on completion of 9/16/23 years of regular service within a period of 03 months from the date of receipt of claim of the petitioner. In case the petitioner is found entitled for any benefit, the same be also released to him within a period of 04 weeks thereafter. Needless to say, in case the respondents come to the conclusion that the petitioner is not entitled for claim of 9/16/23 years of time bound pay scale, the same shall be adjudicated by passing a speaking order, in accordance with law within the period as stipulated hereinabove. The interest awarded in para 3 *ibid* be paid to the petitioner within 08 weeks from the date of receipt of certified copy of the order.

6. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

06.02.2023

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No