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

CWP-4166-2023

Date of decision : 20.04.2023

Parvesh Chander Chadha

..... Petitioner

versus

Punjab State Power Corporation Limited and ors.Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Avneet Singh, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

Petitioner herein is aggrieved of denial of 23 years ACP scale. A bunch of petitions were taken up by Coordinate Bench with the lead case being CWP-27130-2019. The said bunch was disposed off with the following directions:-

“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

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petitioners are found entitled for any benefit, the same be also released to them within a period of four weeks thereafter.

The present petitions are disposed of in above terms.”

2. In compliance of the aforesaid directions, claim of the petitioner has been adjudicated vide impugned order and while denying the claim of the petitioner, it has been held that since the petitioner did not qualify the examination as contemplated under circular No.14 of 2010 dated 17.03.2010, he is not entitled for the said relief. The issue w.r.t. the condition of the examination as a condition precedent for grant of 23 years ACP scheme is no more *res integra* and has been adjudicated by Division Bench of this Court in LPA No.997 of 2016 decided on 22.09.2016 in the following terms:-

“xx xx xx

26. In conclusion, therefore, we have no hesitation in holding that the withdrawal of the benefit for promotional increment as contained in Feature Nos.7 and 8 of the original circular dated 23.04.1990 by the appellant authorities has no validity in the eyes of law qua those employees who had already become eligible for promotion as on 17.10.2010 and who otherwise were eligible for the same by virtue of the eligibility criteria in force till that date. Of course such deletion of Feature Nos.7 and 8 would be valid prospectively as against the other class of employees, who did not meet up the prescribed criteria as noted in Para No.7 earlier, or had not yet put in the requisite length of service (23 years).”

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3. I may hastenly add herein that if para 26 is read in the light of question framed in para 8 of the judgment passed in the LPA, the relevant date would be 17.03.2010 as referred to in para 8 and not 17.10.2010 as referred to in para 26. Most probably it was a typographical error that the date is mentioned as '17.10.2010' and not '17.03.2010'.

4. In view of the above since the relevant date is 17.03.2010 and the petitioner has completed 23 years ACP service on 08.06.2010, he would not be entitled for 23 years ACP scale in the absence of he having cleared the examination in terms of circular 14 of 2010.

5. In view of the above, no ground is made out to interfere in the present writ petition and the same is hereby dismissed.

(PANKAJ JAIN)
JUDGE

20.04.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No