

Date of decision: 29.02.2024

...PETITIONERS

**PUNJAB STATE POWER CORPORATION
LTD. PATIALA THROUGH ITS SECRETARY AND ORS.**

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Mr. R.L.Sharma, Advocate
for the respondents.

NAMIT KUMAR ,J. (ORAL)

2. In pursuance of issuance of notice of motion, reply on behalf of respondent No.4 has been filed wherein it has been stated as under:-

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2. That under the policy decision notified vide No.17/90 issued on 23-4-1990 by erstwhile PSEB now PSPCL has put various conditions for eligibility criteria for grant of promotional increments after 9/16 years of regular service of an employee. Thereafter the benefit was also extended for 3rd promotional increment after 23 years of regular service made effective from 1-1-1996 by a subsequent decisions dated 9-11-1999 and 28-7-2000. Under the policy decision dated 17-3-2010 vide which earlier decision for passing the departmental examination regarding eligibility which meant for promotion to the post of which the pay scale was to granted was revoked was made necessary. This decision dated 17-3-2010 was subject matter of LPA No.797 of 2016 decided on 22-9-2016 holding that the said decision is not applicable to those employees who became eligible for promotional increments after 23 years of regular service prior to 17-3-2010. However the said decision has only a prospective effect. According to the said decision petitioners No.2 5,6,10,11 and 12 are eligible for the benefit as passing of departmental examination is not required in their cases having completed 23 years regular service prior to the instructions dated 17-3-2010. However in the remain cases petitioners No.1, 3,4,7,8 and 9 are not eligible for 3rd promotional increments having required to pass the departmental examination which is essential for promotional as Additional Assistant Engineer who pay scale the petitioner's claim."

3. Since, it has been conceded by the respondents that petitioner Nos.2, 5, 6, 10, 11 and 12 are eligible for the said benefit as passing of departmental examination is not required in their cases, having completed 23 years regular service prior to the instructions dated 17.03.2010, therefore, their claim shall be

considered and finalized within a period of 03 months from today by them and

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necessary benefits shall be released to them, within period of one month thereafter.

4. So far as petitioner Nos.1, 3, 4, 7, 8 and 9 are concerned, learned counsel for the said petitioners seeks permission to withdraw the present petition with liberty to file separate petitions on their behalf.

5. Allowed to do so.

6. Disposed of in the above terms.

29.02.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No