



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

CWP-3273 of 2023

Date of decision: 17.09.2024

Roshan Lal

.....Petitioner

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - None for the petitioner.

Ms. Monica Chhibber Sharma, Advocate,
for the respondents.

NAMIT KUMAR, J.

1. Present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of *mandamus* directing the respondent-authorities to grant the annual increment along with consequential benefits to the petitioner on completion of one year service on the date of superannuation and further revision of pension and pensionary benefits accordingly in view of law laid down by this Court in CWP-32598 of 2019.

2. On 17.02.2023, present petition was adjourned *sine die* to await the decision of LPA No.696 of 2022, which was preferred by the respondents against the judgment dated 16.03.2022 passed in CWP-32598 of 2019 and other connected cases. The judgment of the Co-ordinate Bench dated 16.03.2022 has been upheld in LPA No.696 of 2022.



3. Similar petition came up for hearing before this Court on 07.08.2024 and the same was disposed of by passing the following order: -

2. Short reply by way of affidavit of Smt. Rama Rani, Deputy Secretary, Finance-1, Punjab State Power Corporation Limited, Patiala, on behalf of respondents No.2 & 3, has been filed in the Court today which is taken on record. In the said reply, it has been stated as under :-

“xx xx xx xx xx

3. It is relevant to mention that the LPA No.696 of 2022 titled as the State of Punjab and Ors. Vs. Malagar Singh was dismissed by the Hon'ble Division Bench vide the judgment dated 09.04.2024. The copy of the judgment is annexed here with as Annexure R/1.

4. That pursuant thereto the Govt. of Punjab, Department of Finance vide a circular no. FD-FP206(PYFG)/3/2020-1FP2/15/1 dated 10.07.2024 implemented the judgment of the Hon'ble Division Bench dated 09.04.2024 passed in LPA no. 696 of 2022, revisiting their earlier instructions and accordingly, granted benefit of 1 notional increment to all the pensioners of the state government who have completed 12 months of service on the date of their retirement for purpose of refixation of their last drawn pay for the purpose of computing their pensionary benefits. The circular also clarified that increment shall however be granted if otherwise admissible as per provisions of Punjab Civil Service Rules i.e. subject to verification of service record. The said circular dated 10.07.2024 is annexed herewith as ANNEXURE R/2.



5. Accordingly, the answering respondent/corporation vide their Finance Circular no. 24/2024 dated 11.07.2024 adopted the government instructions dated 10.07.2024 (Annexure R/2) regarding grant of notional annual increments after retirement, in toto. However, as per directions of the Hon'ble Punjab and Haryana High Court as mentioned above, the arrears of pensionary benefits shall be payable to the petitioners only from the date of filing of their respective writ petitions. The financial benefit / Arrears in cases of the pensioners (Non-petitioners) shall be payable only from the date of issuance of these instructions. The copy of the Finance Circular no. 24/2024 dated 11.07.2024 is annexed herewith as Annexure R/3.

6. In view of the instructions of the Punjab Government dated 10.07.2024 (Annexure R/2) duly adopted by the answering respondent/corporation vide Finance Circular dated 11.07.2024 (Annexure R/3), the claim of the petitioner shall be dealt with accordingly in due course by the answering respondent/corporation after completing the other necessary requisites.

In view of submissions made above, it is therefore respectfully prayed that the present writ petition may kindly be disposed of in the interest of justice.

3. As per stand taken by the respondents, the case of the petitioner is under process.

4. In view of above, the present petition is disposed of with a direction to the respondents to finalize the case of the petitioner and necessary benefits shall be released to him



within a period of 03 months from the date of receipt of certified copy of this order."

4. Learned counsel for the respondents submits that the case of the petitioner is under process and the same shall be finalized within a period of three months.

5. In this view of the matter, present petition is disposed of with a direction to the respondents to finalize the case of the petitioner and necessary benefits shall be released to him within a period of three months from the date of receipt of certified copy of this order.

17.09.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No