



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

240

CWP-29710-2022

Date of decision : 16.09.2024

Ashwani Kumar

....Petitioner

V/S

The Punjab State Power Corporation Ltd. and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Lovepreet Singh, Advocate for
Mr. Abhishek Khullar, Advocate
for the petitioner.

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

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to grant annual increment to the petitioner for completion of service rendered for the year 2020-2021 and pay arrears accruing therefrom along with interest @ 18% per annum.

2. Short reply on behalf of the respondents has been filed in the Court today which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner. In the said reply, it has been stated as under :-

“xx xx xx xx xx

2. That when the matter was listed before this Hon'ble Court on 01.12.2022, this Hon'ble court was pleased to pass the following order:

"Learned counsel for the petitioner herein



would rely upon judgment rendered in CWP No. 32598 of 2019, decided on 16.03.2022.

Notice of motion.

Ms. Monica Chhibber Sharma, Advocate, who is present in Court, accepts notice on behalf of the respondents and submits that the aforesaid judgment as relied upon by the petitioner stands challenged in LPA No.922 of 2022 and LPA No.696 of 2022, wherein the operation of the impugned order stands stayed.

Let this matter be listed after the conclusion of LPA No.922 of 2022 and LPA No.696 of 2022.

Adjourned sine die.”

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.

3. That pursuant thereto the Govt. of Punjab, Department of Finance vide a circular no.FD-FP 206(PYFG)/3/2020-IFP/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.

4. 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.24/024 dated 11.07.2024 is annexed herewith as Annexure R/3.

5. 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.

16.09.2024
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(NAMIT KUMAR)
JUDGE

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