

CWP-9544-2021 (O&M) & CWP-9597-2021 (O&M)

2026:PHHC:057909



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

208+209(2 cases)

Date of decision:17.04.2026

1.

CWP-9544-2021 (O&M)

Sardari Lal

.....Petitioners

VERSUS

The Punjab State Power Corporation Limited and others

.....Respondents

2.

CWP-9597-2021 (O&M)

Jaswant Singh

.....Petitioners

VERSUS

The Punjab State Power Corporation Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Ms. Garima Arora, Advocate for Mr. J.S. Jaidka, Advocate for the petitioner(s) in both cases.

Mr. Sehajbir Singh, Advocate with Mr. Muskan Gill, Advocate for the respondent(s) in both cases.

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HARPREET SINGH BRAR, J. (Oral)

1. This order shall dispose of the above-mentioned two writ petitions, as they arise out of a similar factual matrix. However, for the sake of brevity, the facts are being taken from **CWP-9544-2021**.

2. The petitioner has approached this Court by way of the present writ petition under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 23.11.2020 (Annexure P-8), whereby recovery has been ordered from the pension of the petitioner, being patently illegal and unsustainable in law. A further prayer has been made for quashing of office order dated 04.09.2019 (Annexure P-7), to the extent it envisages merging of the benefit of 23 years' scale with the next promotion, as well as for quashing condition No.(iv) of Financial Circular No.20/2000 dated 28.07.2000 (Annexure P-3), which provides for such merger even where the next promotion is not the third promotion.

PETITIONER'S CONTENTION

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner had earlier approached this Court by filing **CWP-13272-2019** titled ***Sardari Lal Versus The Punjab State Power Corporation Limited and others***, decided on 20.05.2019 (Annexure P-6), seeking grant of benefit

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of 23 years' advance promotional increment in terms of Finance Circular No.20/2000 dated 28.07.2000 (Annexure P-3), originally issued on 23.04.1990 and amended from time to time. The said writ petition was disposed of in terms of the judgment rendered by this Court in ***Balvir Singh Versus PSPCL and another (CWP-1013-2017)***, decided on 29.11.2018.

3.1 Pursuant thereto, office order No.400 dated 04.09.2019 (Annexure P-7) was issued, whereby the petitioner was granted the benefit of 23 years' scale notionally with effect from the due date i.e. 16.03.2007, while financial benefits were released w.e.f. 21.08.2018. However, subsequently, vide order No.498 dated 23.11.2020 (Annexure P-8), recovery of Rs.1,051/- was ordered, along with deduction of Rs.10/- per month from the basic pension of the petitioner, which amount has already been recovered.

3.2. Learned counsel further submits that in CWP No. 9597 of 2021, the petitioner was granted a 23-year advance promotional increment scale admissible from 14.1.2010, which was later adjusted upon his promotion as Meter Inspector on 19.10.2016 as per condition no. iv of Financial Circular No. 20/2000 dated 28.07.2000. Consequently, on retirement, his basic pay was notionally reduced from ₹26,610/- to Rs.26,600/-, resulting in a decrease of ₹5 in his basic pension (from ₹13,305/- to Rs.13,300/). On

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account of this ₹5 difference, a recovery of ₹516 was imposed and has already been effected from his pension.

3.3 Learned counsel submits that the case of the petitioner is squarely covered by the judgment in *Balvir Singh's case* (supra). It is further contended that the recovery has been effected by invoking Clause (iv) of Circular No.20/2000, which provides that the benefit of 23 years' scale is to be absorbed in the next regular promotion. However, the said clause is not applicable to the case of the petitioner, as he became entitled to the 23 years' scale on 16.03.2007 and was granted the benefit on 04.09.2029, whereas his promotion took place subsequently on 26.05.2014. Thus, the said clause applies only where the promotion follows the grant of such benefit.

RESPONDENTS' CONTENTION

4. *Per contra*, learned counsel for the respondents opposes the prayer and submits that the Finance Circular (Annexure P-3) clearly provides that the benefit of promotional increment on completion of 23 years of service is in the nature of advance promotional benefit, which is liable to be absorbed in the next regular promotion. However, he is unable to controvert the factual position that the petitioner became entitled to the said benefit on 16.03.2007 and this benefit was granted on 04.09.2019 (Annexure P-3), whereas his promotion was granted later on 26.05.2014.

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OBSERVATION AND ANALYSIS

5. I have heard learned counsel for the parties and have perused the record with their able assistance.

5.1 It is not in dispute that the petitioner completed 23 years of service on 16.03.2007 and became entitled to the grant of advance promotional increment in terms of Finance Circular No.20/2000 dated 28.07.2000 (Annexure P-3). The said benefit was extended to the petitioner pursuant to directions issued by this Court, vide office order dated 04.09.2019 (Annexure P-7). It is also an admitted position that the petitioner was promoted subsequently on 26.05.2014. The finance circular No.20/2000 dated 28.07.2000 (Annexure P-3) be reads as under:-

“The Punjab State Elec. Board is pleased to decide that grant of benefit of promotional increment(s) to an employee on completion of 23 years service as envisaged in its O/O No.384/fin/PRC-121 dated 09.11.1999 will be governed by the following conditions:-

“i) he/she has the avenue of three promotions but has not earned three regular promotions in her/her regular service from the date of joining on the induction post/or any other post specifically declared as induction post for

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granting time bound promotional/devised promotional scale.

ii) he/she has not earned third promotion in his/her regular service between 16th and 23rd years of service.

iii) he/she has not been placed in a scale which is higher than the scale of his/her next higher post.

iv) the increment(s) are in the nature of advance promotional benefits to be absorbed in the next regular promotion.

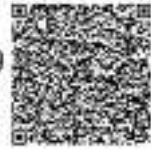
v) Those who forego promotion shall not be entitled for this benefit.

2. This order will be effective from 01.01.1996 without prejudice to the Assured Career Progression Scheme to be devised consequent upon revision of pay scales.

3. The other conditions as incorporated in office order No.197/fin/PRC-1988 dated 23.04.1990 and amended from time to time will remain unchanged.

4. The arrears from re-fixation of pay on grant of advance promotional increment(s) will be credited to GPF accounts of the employees in full wherever GPF accounts exist and payable in cash w.e.f. 2000. For the retired employee the arrears will be paid in cash as per existing policy.”

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5.2 Clause (iv) of the aforesaid circular stipulates that the advance promotional increment is to be absorbed in the next regular promotion. A plain reading of the said clause makes it evident that such absorption would arise only where the grant of advance increment precedes the promotion and operates as an interim benefit. However, in the present case, although the entitlement accrued in 2007, the actual financial benefit was granted much later, and the promotion had already taken place in 2014.

6. The impugned action ordering recovery of a paltry sum of ₹1,051 (in CWP 9544 of 2021) and a sum of Rs.516 (in CWP 9597 of 2021), from the pension of a retired employee, is wholly disproportionate and unworthy of judicial time. The respondents have mechanically invoked inapplicable instructions, reflecting a litigation centric approach devoid of due application of mind. Forcing a pensioner to litigate over such a trivial amount is contrary to public policy, frustrates the objective of reducing docket congestion, and inflicts avoidable psychological distress. Such arbitrary and oppressive conduct deserves unequivocal deprecation, warranting the imposition of exemplary costs to deter recurrence.

7. Consequently both the writ petitions are allowed and the respective impugned orders dated 23.11.2020 and 20.10.2020 (Annexure P-8 in their respective writ petitions) are hereby quashed. The respondents are directed to recalculate and pay the pension of the petitioners by granting

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them benefit of the 23 year advance promotional increment along with arrears. Further the respondents are directed to pay a compensation of Rs.50,000/- to each of the petitioner(s) for the harassment caused to them due to the act and conduct of the respondents. The respondents are further directed to refund the amount recovered from the petitioner, together with interest @ 6% per annum, computed from the date of recovery till the date of actual its disbursement, within a period of two months from the date of receipt of a certified copy of this order.

8. Pending miscellaneous application(s) if any, shall stand disposed of.
9. Registry is directed to place a photocopy of this order on paper-books of the connected matters.

(HARPREET SINGH BRAR)
JUDGE

17.04.2026

P.C

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