
(2012) 01 P&H CK 0263

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No's. 10808 of 2007 and 21791 of 2010 (O and M)

Paul Singh

APPELLANT

Vs

Punjab State Electricity Board and others
 Mulakh Raj
Vs Punjab State Power Corporation Limited and others

RESPONDENT

Date of Decision : 24-01-2012

Acts Referred:

Citation : (2012) 01 P&H CK 0263

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

K. Kannan, J.—The petitioner's claim is for the grant of benefit of promotional increment in terms of the circular issued by the Government Finance Department on 23.04.1990. The qualifications which are mentioned for an employee on 23 years of regular service are as follows:-

- i) He has not been benefited by the scheme of 9/16 years time bound promotional scale.
- ii) He has not earned three regular promotions in his career.
- iii) He has not earned third promotion in his regular service between 16th and 23rd years of service.
- iv) The increments referred to in para 2 above are in the nature of advance promotional benefit to be absorbed in next regular promotion.

2. The counsel says that the petitioner fulfills all the requisite qualifications for claiming the promotional increments but the same has been still denied by them. In each one of other writ petitions as well the same grounds are urged.

3. The counsel for the respondents admits that the petitioners fulfill the criteria mentioned in the circular but however contests the petitioners' claim on the

ground that the reliance which the petitioners have made in the writ petitions, referring to a decision of this Court in a second appeal cannot be applied in a writ proceeding. I will not go into the issue of whether a decision rendered in a regular second appeal should be a matter to draw lesson from but if the case has to be considered from the point of view of the eligibility criteria mentioned in the circular, there is no denying the fact that the petitioners are entitled to consideration for promotional increments. The case has to be allowed in favour of the petitioners on this short ground only. The respondents are directed to apply the appropriate scales to which the respective petitioners are entitled to and the arrears shall be calculated and paid within a period of 6 weeks from the date of receipt of copy of this order. If the same are not paid as stipulated, it will carry interest at 6% from today.

4. All the writ petitions are allowed as above.