



**Sr. No.103+212
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**RSA-6904-2016 (O&M)
Date of Decision : 21.04.2025**

Punjab State Power Corporation Ltd. and others ...Appellants
Versus

Lachhman Singh ...Respondent

CORAM : HON'BLE MS. JUSTICE LAPITA BANERJI

Present : Mr. Vishal Gupta, Advocate,
for the appellants.

Mr. Mohinder Pal, Advocate,
for the respondent.

LAPITA BANERJI, J. (Oral)

CM-4283-C-2025

This is an application for placing on record the letter dated 21.08.2018 as Annexure A-6.

Application is allowed, as prayed for.

Document at Annexure A-6 is taken on record, subject to all just exceptions.

Main case

Under challenge in the present regular second appeal is the judgment and decree dated May 25, 2015 passed by the Civil Judge (Jr. Divn.), Patiala and the judgment dated March 29, 2016 passed by the learned Additional District Judge, Patiala.

2. Vide impugned judgment and decree dated May 25, 2015, the learned Civil Judge (Jr. Division) Patiala held in favour of the plaintiff-Respondent and declared the order dated September 17, 2010 withdrawing the promotional increments granted to the plaintiff with effect from March 1, 1998, effecting recovery of Rs.1,18,074/- from the leave encashment



benefits, reducing his pay with effect from March 1, 1998 and consequently grant of less pensionary benefits to the plaintiff, to be illegal, null and void.

3. The appellants-defendants (employer) were directed to grant promotional increment after 23 years, with effect from March 1, 1998 and revise the pensionary benefits with effect from December 1, 2010 after the grant of promotional increment. A sum of Rs.1,18,074/- was directed to be refunded to the plaintiff along with interest @ 6% per annum from the date of institution of the suit till its realization.

4. Vide judgment dated March 29, 2016, the First Appellate Court dismissed the appeal with costs. It held that the plaintiff's case fell within the purview of the scheme notified by the Circular No.17/90 dated April 23, 1990 and the plaintiff was entitled to benefits upon completion of 23 years of his service.

5. It was held that as per clause 7 of the Scheme, the plaintiff was entitled to promotional increment after 23 years of service and it was irrelevant whether the plaintiff had a diploma of 2 years or more or whether the plaintiff had cleared the departmental examination. Therefore, the First Appellate Court did not interfere with the findings of the trial Court and affirmed the judgment of the trial Court.

6. Learned counsel appearing on behalf of the appellants fairly submits that the issue with regard to grant of promotional increment has already been decided by a Coordinate Bench in CWP-11398-2016 vide order dated April 11, 2019 "***Prem Kumar Kapoor and another Vs. The Punjab State Power Corporation Limited and another***".



7. The case of **Prem Kumar Kapoor** (supra) was decided relying on a judgment dated November 29, 2018 passed by another coordinate Bench in CWP No.1013-2017 “**Balvir Singh Vs. PSPCL and another**” along with other connected writ petitions.

8. Learned counsel appearing on behalf of the appellant submits that the Corporation itself took a Resolution on August 21, 2018 which reads as follows:-

“Resolved that officers/Employees/Retirees whose 23 years advance promotional increment falls due from 16.12.1991 to 17.03.2010 be allowed the same from the due date as per instructions issued vide F.C. No.62/1992 dated 16.12.1992.

Further resolved that the pay/pension of the Officer/Employees/Retirees whose 23 years Advance Promotional increment falls due from 16.12.1992 to 17.03.2010 shall be fixed notionally and no arrear on account of pay, pension, gratuity leave encashment and commutation of pension etc. will be paid and only the financial benefit on account of difference of pay/pension fixed notionally shall be allowed from the date of notification (Circular) by PSPCL.”

9. Furthermore, a subsequent decision was taken by the Board of appellant No.1-Corporation on October 1, 2018, which reads as under:

“Resolved that following amendments in existing instructions regarding grant of 23 years advance promotional increment issued vide FC No.20/2000 dated 28.07.2000, FC No.53/2011 dated 18.11.2011 for employees and FC No.54/2011 dated 18.11.2011 for officers along with exemption of passing of departmental examination, if any, be and is hereby approved with effect from the date of issue of notification (Finance Circular) by PSPCL:

XXX XXX XXX”

10. Therefore, the appellant No.1-Corporation did not have any objection to the payment of arrears of financial benefits for advance promotional increment to the respondent-plaintiff as long as the same were restricted to 36 months from the date of filing of the suit. Learned counsel



for the respondent also accepts the fair suggestion made by learned counsel for the appellants.

11. Heard the learned counsel for the parties and perused the material on record.

12. Taking into consideration the orders passed by the Coordinate Benches in CWP-11398-2016 and CWP-1013-2017, this Court disposes of the present regular second appeal by directing the appellants to pay the arrears of advance promotional increment of 23 years of service as determined by the appellants, to the respondent within three months from the date of receipt of a certified copy of this order.

13. The benefits will be restricted to 36 months prior to the date of filing of the suit.

14. After computation the actual benefits/arrears payable by the employer, the same should be disbursed within three months from the date of receipt of the certified copy of the order, failing which the said amount would carry interest @ 6% per annum from the date of accrual of the arrears till the date of realization.

15. With the aforesaid directions, RSA No.6904-2016 is **disposed of.**

16. Connected applications, if any, are also accordingly disposed of.

(LAPITA BANERJI)
JUDGE

April 21, 2025

Vandana

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