



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

**LPA-1220-2024 (O&M)
Date of decision : 13.08.2025**

Karnail Singh

...Appellant

Vs.

**Punjab State Power Corporation Ltd.
and others**

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Ms. Rupinder K.Kanwal, Advocate
for the appellant.

Mr. Luvinder Sofat, Advocate and
Mr. Vishal Mehta, Advocate
for the respondent-PSPCL.

DEEPAK MANCHANDA, J.

CM-2934-LPA-2024

This is an application seeking condonation of delay of 5 days in refiling the appeal.

For the reasons stated in the application, same is allowed and delay of 5 days in refiling the appeal is condoned.

Main case

Through this present intra-court appeal, appellant has assailed the impugned judgment dated 06.02.2024 vide which the writ petition filed by the present appellant seeking benefit of promotional increment on completion of 23 years of regular service was dismissed on the ground of delay and laches.

2. Given the facts emanated from the pleadings of the writ petition, the appellant joined as Lower Division Clerk with the respondent-PSPCL, who was given 2nd time bound promotional scale on 21.09.1989 after completion of 16 years of regular service. The 3rd promotional increment was due to the petitioner on 20.09.1996, however, on attaining the age of superannuation, appellant retired on 31.08.2006 from the post of Upper Division Clerk. Thereafter, appellant along with others filed CWP-2346-2017, which was disposed of vide order dated 27.03.2023 in light of the directions issued in the case of “*Shavinder Singh Vs. Punjab State Power Corporation Ltd. and others*” and petitioners therein were allowed to raise their grievance before the respondent upto 30.05.2023. On approaching the respondent-corporation, the claim of the appellant was rejected vide order dated 29.08.2023 on the ground that appellant did not fulfill third condition of Finance Circular dated 28.07.2000 as he is already drawing higher scale which is already higher than the scale of his next higher promoted post. Dissatisfied with the order dated 29.08.2023, appellant filed CWP-29564-2023 seeking quashing of the same and vide order dated 05.01.2024 the said petition, was dismissed as withdrawn with the liberty to file a fresh petition on the same cause of action. After that, appellant filed CWP-2535-2024 seeking quashing of the speaking order dated 29.08.2023, however, the same was also dismissed vide impugned judgment dated 06.02.2024 on the ground of delay and laches.

3. Aggrieved against the same, the appellant has preferred the present ‘*Intra-court*’ appeal on the ground that the learned Single Judge erred in holding that there was a delay of about 18 years on the part of the appellant and while passing the impugned judgment, did not consider that his claim was

wrongfully rejected by the respondents.

4. Learned counsel for the appellant contends that the case of the appellant is covered in view of the judgment passed by a Co-ordinate Bench of this Court in LPA-997-2016, titled as “*Punjab State Power Corporation Ltd. Vs. Nirmala Rani*” decided on 22.09.2016. In support of his case, she has also placed reliance upon the judgment passed by this Court in “*Saroj Kumari Vs. State of Punjab*”, 1998(3) SCT 664. She submits that the impugned judgment dated 06.02.2024 passed by learned Single Judge deserves to be set aside.

5. While opposing the prayer of the appellant, learned counsel for respondent-PSPCL submits that the judgment relied upon by learned counsel for the appellant (i.e. *Punjab State Power Corporation Ltd. Vs. Nirmala Rani*) is not applicable in the case of the appellant as in Nirmala Rani’s case, the petitioner therein applied for the increment in time, but in the present case, increment of the appellant was due in the year 1996 and he approached for release of the same in the year 2017 by filing CWP-2346-2017 i.e. after 18 years. Therefore, no interference is warranted in the impugned judgment dated 06.02.2024.

6. Heard.

7. A perusal of the impugned judgment passed by the learned Single Bench would show that the case of the appellant had been considered by the respondents, where he was not held entitled for grant of promotional increment on completion of 23 years of service as appellant had already been drawing higher scale of Rs.5900/10000 (pre-revised) Rs.10900-34800+4150 GP (revised), which is higher than the scale of his next higher promoted post, and same was the UDC scale of Rs.4600/7250 with initial start of Rs.4775 (pre-

revised) Rs.6400-20200-3200 GP (revised) and, therefore, even did not fulfill third condition of finance circular dated 28.07.2000. As per the said circular, the employee who had been placed in a scale, which is higher than the scale of his/her next higher post then he/she is not entitled for promotional increment on completion of 23 years of service. While rejecting the claim of the appellant, learned Single Judge also observed that the circular dated 01.10.2018 had been made applicable prospectively i.e. from the date of issuance of notification i.e. 01.10.2018 whereas the appellant completed 23 years of service on 20.09.1996 and thereafter, superannuated on 31.08.2006, therefore, his case for grant of 23 years advance promotional increment was not covered under finance circular No.20/2018 dated 01.10.2018. Further, since the appellant had already retired from service on 31.08.2006, the issues in reference to pay-scales were raised only after a period of 18 years of his retirement, whereas while in service, the said issues were never raised by the appellant.

8. It is settled law that once the relationship of master and servant has come to an end on retirement of an employee, the appellant cannot agitate the issues of scale after such a long time. Accordingly, relying upon the judgments passed by the Apex Court, learned Single Judge rightly dismissed the writ petition filed by the appellant on the ground of delay and laches as same had been filed after 18 years of his retirement being the stale claim, which was raised at a belated stage.

9. Given the aforesaid discussion, the present appeal does not succeed and the same is hereby dismissed, which does not require interference by this Court.

10. All pending miscellaneous application(s) shall also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

13.08.2025

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