

## Punjab State Power Corporation Limited and Others Vs Jaswinder Pal Singh

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Aug. 21, 2012

**Hon'ble Judges:** Rajiv Narain Raina, J; Hemant Gupta, J

**Bench:** Division Bench

**Advocate:** Vishal Chaudhary, for the Appellant; J.S. Jaidka, for the Respondent

**Final Decision:** Dismissed

### Judgement

Hemant Gupta, J.

The present appeal under Clause X of the Letters Patent is directed against the order dated 18.01.2011 passed by the

learned Single Judge, whereby the writ petition filed by the petitioner was allowed holding that the petitioner is entitled to time bound scale on

completion of 9 years after passing the SAS Part-I examination. The writ petitioner-present respondent, was appointed as Internal Auditor on

1.8.1985. He was promoted as Revenue Accountant on 4.8.1988. Earlier, a circular No. 17/90 was issued on 23.4.1990 which contemplated the

grant of promotional scale on completion of 9 years of service if a direct recruit is not promoted within 9 years, but if promoted within 9 years, he

will get promotional scale on completion of 16 years from the date of first appointment.

2. However, on 15.12.1991, another circular No. 18 of 1991 was issued, which contemplated as under :-

Sr. Post below on Pay scale First time boundSecond time Special remarks

No. which direct scale on bound scale on

appointment took completion of 9 completion on

place years completion of 16

years

1. Internal 1800-32001880-3300 2000-3500

2. Revenue 1880-33002000-3500 2400-4250 Internal Auditors who

Accountant have passed SAS Part

I or passes the same

shall be appointed

Revenue Accountant in  
the scale 1800-3300,  
similarly those SAS  
Part I passed (except  
Internal Auditors), who  
specifically opt for  
revenue cadre shall be  
appointed Revenue  
Accountant. 9/16 year  
time bound increment  
scale shall be calculated  
after passing SAS Part-  
I and thereafter being  
present on the post of  
Revenue Accountant.

3. Learned Counsel for the appellant has vehemently argued that the circular No. 18/91 was subject to the conditions issued in the office order

No. 197/PRC dated 23.4.1990 (Circular No. 17/90) that promotional scale would be available on completion of 16 years of service if a person

has been promoted within 9 years of the first appointment. The said condition in the circular dated 15.12.1991 reads as under :

xx xx xx xx xxxx

2. For granting the time scale promotion, the other conditions/instructions shall be the same which has been issued vide office order No. 197/PRC

dated 23.4.90 and amended from time to time.

4. We have heard the Learned Counsel for the parties and find no merit in the present appeal. Though the circular dated 23.4.1990 contemplated

the grant of promotional scale after 16 years of the first appointment if an employee has been promoted within 9 years of the direct recruitment but

such condition stands amended when the second circular is issued on 15.12.1991. The circular dated 15.12.1991 contemplates time bound

increment scale after passing SSA Part-I examination after 9 and 16 years. Therefore, in terms of the conditions reproduced above, the writ

petitioner is entitled to time bound increment scale after 9 years of the passing of SAS part-I in the year 1989. Therefore, there is no illegality in the

order passed by the learned Single Judge.

No merit.

Dismissed.