

(2012) 08 P&H CK 0275

High Court Of Punjab And Haryana At Chandigarh

Case No: LPA No. 540 of 2012

Punjab State Power Corporation
Limited and Others

APPELLANT

Vs

Jaswinder Pal Singh

RESPONDENT

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. No. | Post below on which direct appointment took place | Pay scale | First time bound scale on completion of 9 years | Second time bound scale on completion of 16 years | Special remarks |
|------------|--|--------------|--|--|--------------------|
| 1. | Internal | 1800-3200 | 1880-3300 | 2000-3500 | |

2. Revenue Accountant 1880-3300 2000-3500 2400-4250 Internal Auditors who 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.