

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

Date of decision: 28.03.2016

CWP No.1056 of 1995

Mithla Devi & others

...Petitioners

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

- 1. To be referred to the Reporters or not?*
- 2. Whether the judgment should be reported in the Digest?*

Present: Mr. Kapil Kakkar, Advocate, for the petitioners.

Mr. Harkesh Manuja, Addl. AG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

Indisputably, the petitioners were in ad hoc service prior to 1st September, 1989 and were regularized before 1st September, 1989. They claim the benefit of proficiency step-up for 8/18 years of service. The instructions dated 1st September, 1989 deprive the petitioners of the benefit of 8/18 years since that period was required to be reckoned from the date of appointment on regular basis and service rendered on ad hoc is not to be counted for the grant of proficiency step-up. The list mentioning the dates of regularization of each of the petitioners is annexed herewith as Annexure P-1. However, with the subsequent circular issued on 5th January, 1996, it was clarified that the claim would be entertained provided there was no break in service between the ad hoc service and regular service and the petitioners had completed 8/18 years of service as on 1st September, 1989. With the clarification, the petitioners have

become entitled for grant of proficiency step-up and it is so declared in their favour.

At this stage, Mr. Manuja, on instructions received from Mr. Sandeep Singh, Clerk, O/o BPEO, Rajpura-II present in Court, has made a statement in Court that the benefit of 8 years has already been granted to the petitioners. However, Mr. Manuja submits that in case the petitioners had not completed 18 years as on 1st September, 1989, they would not be entitled to second part of the proficiency step-up scheme. There is merit in the submission and consequently to that extent the claim of the petitioner is declined.

As a result, nothing remains to be determined in this case and, therefore, the writ petition has to be dismissed. However, in case 8 years monetary benefit of proficiency step-up has not resulted in alteration of the pay last drawn then the same will be reviewed and pension paid to the petitioners accordingly on re-fixation, in case required by law.

28.03.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE