

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

Date of decision: 16.05.2016

CWP No.16095 of 2012

Baldev Singh & others

...Petitioners

Vs.

The State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K.Chopra, Senior Advocate, with
Mr. Pawan Kumar, Advocate;

Mr. P.K.Goklaney, Advocate;

Mr. Kapil Kakkar, Advocate; &

Mr. Sunny Singla, Advocate, for the petitioners

Mr. Inqulab Nagpal, AAG, Punjab.

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

RAJIV NARAIN RAINA, J. (ORAL)

This order will dispose of abovementioned writ petition as well as other connected writ petitions* tabulated at the foot of the order, as common questions of law and fact are involved in them, which can conveniently be decided by a common order.

At the onset of the litigation, there were two issues seeking remedy. One is for grant of three additional increments on account of possessing higher qualification in terms of the Punjab circular dated

23.07.1957. This issue has been sorted out by the Officers' Committee constituted under the directions of this Court. The Officers' Committee has advised the Government that those increments were legally and validly granted. The second issue presently subsisting is confined to grant of proficiency step ups, which question was also gone into by the Officers' Committee, but remains unresolved necessitating adjudication. Though the Committee was not deputed to opine on the issue of proficiency step up, which is governed by separate instructions, yet the Officers' Committee according to Mr. Chopra has overstepped its jurisdiction and made some comments adverse to the petitioners.

With the intervention of this Court by an ad interim order, the Finance Department, Punjab was asked to file an affidavit explaining the decision with respect to award of proficiency step ups and whether the same were admissible to the petitioners or not. A short affidavit dated 23.09.2015 of Ms. Usha Sehgal, Joint Secretary to Government of Punjab, Department of Finance, has been filed in which the position has been explained in Para.6, as follows:

“6. That Finance Department vide letter No.5/10/2000-FPI/6646 dated 25 July, 2002 (Annexure P-14) further clarified that the JBT teachers, who were placed in higher pay scale of C&V teachers on account of acquiring higher qualifications and whose proficiency step up(s) of 8 and 18 years fall prior to 01.09.1989 shall be allowed ignoring the benefit gained by them at the time of placement in higher scale of C&V teacher. In the cases of those teachers whose pay in higher scale of C&V teachers is fixed at the minimum stage whereby one gets the benefit of one or more increment(s) the service rendered against the post

prior to the date of such fixation of pay will not be counted for the purpose of grant of proficiency step up(s). However, the period of eight or eighteen years service will further be reckoned for the purpose of grant of proficiency step up(s) from the start of placement in the scale of C&V teachers.”

The Finance Department has reached conclusion in favour of the petitioners while relying on its previous letter dated 25.07.2002 (Annex P-14).

The grievance of the petitioners is that though a decision has been taken in their favour by the Finance Department, but the same has not been implemented and translated into monetary terms. In view of the averments made in Para.6 of the affidavit, no adjudication is required from this Court on the issue and all that is prayed for by the petitioners at the hearing today is for directions to the State to implement the decision in a time bound manner.

The request is fair and reasonable and accordingly a direction is issued to the State to translate the advice of the Finance Department contained in Para.6 into monetary terms. Accordingly, the petition is accepted to the extent of grant of proficiency step ups. The arrears be calculated and paid to the petitioners confined to 36 months prior to date of filing each of the petitions and the remaining period thereto will be granted notionally.

As a result of this, the State would need to address itself on re-fixation of pay and pension as a necessary corollary to the grant of the main relief. The exercise be completed within four months from the date of receipt of a certified copy of this order. This period of time will include completion

of all necessary formalities including payment of money found due and payable to the petitioners in the present petition and the connected writ petitions in the batch of cases.

With these directions, the writ petitions are disposed of.

16.05.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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Sr.No.	Case No.	Parties Name
1.	CWP No.16097 of 2012	Ashok Kumar & others Vs. State of Punjab & others
2.	CWP No.16120 of 2012	Rattan Singh & others Vs. State of Punjab & others
3.	CWP No.18657 of 2012	Bhupinder Kaur & others Vs. State of Punjab & others
4.	CWP No.2590 of 2013	Jhanda Singh & others Vs. State of Punjab & others
5.	CWP No.4832 of 2013	Darshan Kaur & others Vs. State of Punjab & others
6.	CWP No.8335 of 2013	Raj Kumar & others Vs. State of Punjab & others
7.	CWP No.8378 of 2013	Maya Devi & others Vs. State of Punjab & others
8.	CWP No.8849 of 2013	Amar Singh & others Vs. State of Punjab & others
9.	CWP No.22547 of 2013	Sukhwinder Kaur & others Vs. State of Punjab & another
10.	CWP No.23395 of 2013	Maghar Singh & others Vs. State of Punjab & others
11.	CWP No.27999 of 2013	Anoop Kaur & others Vs. State of Punjab & others
12.	CWP No.7395 of 2014	Jagjit Kaur & another Vs. State of Punjab & others
13.	CWP No.21932 of 2014	Balwinder Singh Vs. State of Punjab & another
14.	CWP no.22084 of 2014	Hari Chand & another Vs. State of Punjab & another
15.	CWP No.7234 of 2015	Satya Devi & others Vs. State of Punjab & another
16.	CWP No.1509 of 2016	Jagjit Kaur Vs. State of Punjab & others

[RAJIV NARAIN RAINA]
JUDGE