

CWP No.19934 of 2013

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

CWP No.19934 of 2013

Date of Order: 02.12.2016

Sewak Singh

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Tribhawan Singla, Advocate for the petitioner.

Mr. Harkesh Manuja, Addl.A.G, Punjab.

JASWANT SINGH, J (ORAL)

The petitioner was appointed as Veterinary Inspector on 04.9.1979 with the Department of Animal Husbandry, Punjab. He was granted Selection Grade w.e.f 01.01.1986 and was given the benefit of one additional increment as a Proficiency Step Up on completion of eight years service w.e.f 08.11.1987 in terms of Instructions dated 01.12.1988 (**P.1**).

By filing the present writ petitioner, the petitioner has laid challenge to order dated 23.1.2013 (**P.7**) whereby the benefit of Proficiency Step Up increment granted w.e.f 08.11.1987 has been withdrawn and his pay re-fixed.

Learned counsel for the petitioner submits that even if the petitioner was wrongly granted the benefit w.e.f 08.11.1987 on the premise that the award of Selection Grade with effect from 01.01.1986 negated the counting of the previous service prior to 01.01.1986 for the purpose of calculating the period of eight years,

still the benefit having been granted w.e.f 08.11.1987 in terms of the subsequent Instructions dated 10.3.1997 **(P.4)** laying down that if the benefit has been granted in the cases prior to issue of Clarificatory Instructions dated 01.9.1989, was not to be withdrawn and, therefore, the impugned action is illegal.

Learned State counsel in response submits that the benefit of eight years service w.e.f 08.11.1987 was granted vide an order passed after 01.09.1989 and, therefore, is not covered under the Instructions **(P.4)**. He has referred to para 6 of the averments made in written statement which have not been controverted by the petitioner.

After hearing learned counsel for the parties and perusing the Instructions **(P.4)** as also the averments made in para 6 of Written Statement, it is evident that the order granting Proficiency Step Up increment w.e.f 08.11.1987 was passed after 01.09.1989 and therefore, in terms of the Instructions **(P.4)**, the withdrawal of Proficiency Step Up cannot be faulted with.

Dismissed.

December 02, 2016
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No