

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

202

**CWP-9224-2012 (O&M)
Date of decision:12.05.2017**

Bhupinder Pal

....Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. B.S.Bhullar, AAG, Punjab.

Ms. Deepali Puri, Advocate for respondent No.2.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of the order dated 16.06.2009 read with communication dated 17.01.2012 (Annexures P4 and P5 respectively) by which the petitioner's claim for proficiency step up increment and progression scheme on completion of 4, 9 and 14 years of service has been rejected.

Perusal of Annexure P6 relating to annual confidential report from 01.07.1969, as on 12.10.1996 the petitioner has been given 5 good remarks, one Very good remark, 2 satisfactory, 4 average, for about 28 periods remarks are not available. Therefore, average of the remark available is required to be taken into consideration for the purpose of extending the benefit of proficiency step up increment and progression scheme. While considering the petitioner's grievance relating to extending the benefit, 2nd respondent has taken extraneous material in other words, not available remarks and no grading. Therefore, Annexures P4 and P5 are

set aside and the matter is remanded to 2nd respondent for reconsideration of the petitioner's claim for grant of proficiency stepping up increment and Progression scheme with reference to available confidential reports and take an average of 50% or whatever the policy mandate and take a decision and communicate the same to the petitioner within a period of 3 months from today. Accordingly, civil writ petition stands allowed.

If the petitioner is eligible for proficiency step up increment and progression scheme, the same shall be granted and difference of pay be calculated and released within a period of 3 months.

12.05.2017

pooja saini

**(P.B. BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:**Yes/No**