

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25121 of 2017

Date of Decision: 19.07.2018

Dr. Satish Khatkar and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anurag Goyal, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

Let us assume that A & B are members of cadre at level-I. B competes in direct recruitment and secures appointment to level-II. B does not get any benefit of service at level-I. In the meanwhile, A is promoted to level-II. He brings with him his annual increments in the pay-scale. In such a case, if the promotee gets higher pay than the direct recruit at level-II then direct recruit has no right to claim stepping up of pay on par with promotee. The contention of the learned counsel for the petitioner relying on the Haryana Civil Services (Assured Career Progression) Rules 2008 while depending on Rule 12 will not help the petitioner. Rule 12 reads as under:

“12. Admissibility of stepping up in certain cases:-

If the service rules provides for or circumstances warrant filling up of a post through direct recruitment as well as through promotion, benefit of stepping up of pay

band and grade pay shall be admissible to the directly recruited senior Government servant if the junior promoted government servant junior to him is drawing salary in higher pay band and grade pay on the basis of the benefit of ACP upgradation. However, the benefit of stepping up shall not be admissible to a promotee if he has already got three financial upgradation as provided under these rules in his service career.”

The benefit of ACP upgradation is not involved in the present case, and, therefore, the specific rule under the ACP rules does not apply to general principle of gradual increase of pay in the pay-scale based on length of service on a post in the cadre carried to promotion post.

With this example, I find that there is no life in this petition and the same is ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

19.07.2018
kv

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No