

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21733 of 2015
Date of Decision : 16.05.2019

Kamla

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. R.S. Manhas, Advocate for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance which is being raised by the petitioner is that the petitioner has not been granted the benefit of 18 years of proficiency step up though, petitioner had 10 years of service after she was granted the 8 years proficiency step up w.e.f. 01.01.1986. The claim of the petitioner is to grant her the benefit of 18 years of proficiency step up w.e.f. 01.01.1996 and revise her pay as well as pensionary benefits.

As per the averments made in the writ petition, petitioner joined as a JBT Teacher on 12.09.1960. She was promoted as S.S. Mistress on 06.05.1977. State of Punjab revised the pay scale of its employees w.e.f. 01.01.1986 and thereafter, for the first time, the benefits of higher pay after 8 years and 18 years service was extended to the employees of the Government of Punjab. As the petitioner had 8 years of service by the time,

the pay scales were revised w.e.f. 01.01.1986, the benefit of proficiency step up after 8 years was granted to her w.e.f. 01.01.1986. Petitioner continued working and ultimately she retired from service on attaining the age of superannuation on 28.02.1997.

The present writ petition has been filed in the year 2015 claiming the benefit of proficiency step up and according to the petitioner, she was entitled for the same w.e.f. 01.01.1996 after rendering 18 years of service.

Upon notice of motion, reply has been filed by the respondents whereby the claim of the petitioner has been contested. In the reply, it has been submitted that after the Proficiency Step Up Scheme was initiated by the Government vide their Instructions dated 01.12.1988, petitioner was granted the benefit of proficiency step up after a period of 8 years. It was, thereafter, the petitioner submitted an application that she does not want to opt to the revised pay scale w.e.f. 01.01.1986 and instead wants from 01.05.1992 and, therefore, the benefit of the revised pay scale as well as the proficiency step up should be given to her from the said date. The request of the petitioner was accepted by the respondents and she was allowed to opt for the revised pay scale w.e.f. 01.05.1992 instead of 01.01.1986 and accordingly, she was granted the proficiency step up of 8 years w.e.f. 01.05.1992 i.e. when she opted for the revised pay scales and the benefit of proficiency step up after 18 years has already been accorded to the petitioner w.e.f. 06.05.1995 and an order to this effect has already been passed on 08.02.2016 (Annexure R-1) which is reproduced as under:-

“In compliance with the direction issued by Punjab

Government personnel department (Personnel and Policy Branch) vide its letter no. 7/14/88/-5 P.P. (1) (2269) 18527 dated 01.12.1988 Smt. Kamla Devi S.S. Mistress Govt. Middle School Nomala Complex G.H.S. Parmanand, now G.S.S.S. Parmanand, Pathankot, whose regular date of appointment as S.S. Mistress is 06.05.1977 and after completion her 18 years service in the same cadre, approval is granted in the selection grade 2000-3500 in Basic Pay 2925-3000 from the date 06.05.1995.”

Learned counsel for the petitioner states that according to his information, the order dated 08.02.2016 (Annexure R-1) issued by the respondents has not been implemented so far. Learned counsel for the respondents states that an order, which has been passed approximately three years ago, must have been implemented and in case the same has not been implemented, the same will be implemented without any further delay within a period of three months from the receipt of copy of this order.

Learned counsel for the petitioner states that in view of the statement made on behalf of the respondents, he does not wish to press the writ petition any further.

Writ petition is disposed of as not pressed.

May 16, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No