

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

CWP No.7387 of 2012

Decided on 22.11.2019

Mohinder Singh

..... petitioner

Versus

The State of Punjab and ors.

..... respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr.Ajay Pal Singh, Advocate,
for the petitioner.

Ms.Monika Chhibber Sharma, Sr. DAG, Punjab

ARUN MONGA, J. (ORAL)

Inter alia, issuance of a writ in the nature of certiorari has been sought seeking quashing of order dated 10.01.2011 (Annexure P-7) whereby the claim of the petitioner has been rejected qua grant of proficiency step-up, which was earlier granted to him from time to time.

2. I have heard the rival contentions of learned counsel for the petitioner and learned State counsel and have perused the pleadings along with record appended thereto.

3. Both the learned counsel have relied upon Circular letter No.7/64/95-5PPI/15231 dated 10.03.1997 (Annexure P-1). Their divergence arises out of the interpretation qua the same. Learned counsel for the petitioner argues that those employees, who had been granted proficiency step-up prior to 01.09.1989, are entitled to benefit thereof irrespective of their subsequent promotion/gain in the salary by virtue of

their being placed in the senior scale or grant of selection grade.

4. *Per contra*, even though learned State counsel agrees with what has been proposed in this Circular but supports the reasoning adopted by the Committee of Officers vide impugned order dated 10.01.2011 (Annexure P-7). She further submits that if the petitioner is granted proficiency step-up, the same would result in anomalous situation, in as much as the counterparts of the petitioner, who had not been accorded the benefit of proficiency step-up, would be getting lesser salary than the petitioner due to this anomaly for the relevant period. But as it stands, none of the juniors of the petitioner approached this Court for stepping up of salary due to this anomaly, if such a case indeed arose or was likely to arise pursuant to the circular. The interpretation resorted by the Committee of Officers as supported by the learned State counsel in the course of arguments is strongly contested by learned counsel for the petitioner.

5. Be that as it may, in the written reply filed by respondent No.4, opposing the claim of the petitioner, following stand has been taken:-

“It is further submitted that since the petitioner got benefit in pay fixation thereby he was entitled for reckoning his period of service for proficiency step up w.e.f. 01.01.1998, however the petitioner was given benefit of proficiency step up from the date of regularization against rules.”

6. In view of the aforesaid stand, on a query posed by this Court, neither any plausible explanation has been rendered nor anything has been placed on the record to show as to which rules envisage that the petitioner was not entitled to proficiency step-up based on the date of his regularization. In fact, on the contrary, this Court is of the opinion that in

ordinary course, an employee is entitled to benefit of proficiency step-up based on the date of regularization and not otherwise. Only a bald assertion has been made that the same cannot be granted as per rules. Neither in the course of arguments nor otherwise, any rule has been shown against admissibility for the proficiency step-up of the petitioner on the basis of the date of regularization, which was originally granted and later on withdrawn.

7. In view of the same, the impugned order does not stand judicial scrutiny and is, accordingly, set aside. It is held that proficiency step up granted to the petitioner originally on the basis of the date of his regularization was rightly granted to him and he shall be entitled to all consequential benefits arising thereof.

8. Allowed in the above terms.

(ARUN MONGA)
JUDGE

22.11.2019

P.Seth

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No