

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

CWP No.6712 of 2019

Date of decision: 11th March, 2022

Shvinder Pal Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Harbans Lal Sharma, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, Dy. Advocate General, Punjab
for the respondents/State.

FATEH DEEP SINGH, J.

Petitioner Shvinder Pal Singh who at the relevant time was working as Inspector Cooperative Societies (Audit), (in short, 'Cooperative Department') was initially recruited as Sub Inspector (Audit) on 02.04.1975 for a period of six months and which services were extended from time to time and thereafter regularized as Sub Inspector in the pay scale of ₹ 110-250 with effect from 02.04.1975 vide order dated 30.03.1978. The petitioner thereafter became Inspector (Audit) Grade I with effect from 17.07.1992 and retired thereafter on 28.02.2007.

Through the present invocation, the petitioner has sought that he was supposed to be granted first proficiency step-up after eight years of service as Inspector on 17.07.2000 which could have raised his pay-scale from ₹5800-8925 to a higher grade.

Petitioner has sought to seek support from the recommendations of fourth Pay Commission claiming that similarly placed employees were granted proficiency step-up, to which the petitioner has been denied and hence on the strength of his service record comprising of the annual confidential reports (ACRs) had sought the relief of setting aside the order dated 27.10.2017 (Annexure P9) and implementation of directions dated 03.07.2017 of this Court passed in CWP No.13395 of 2017 (Annexure P8) with all consequential service benefits along with interest @ 18% per annum on due amount.

Respondents in their detailed reply, besides taking usual pleas of preliminary objections termed the petition to be hopelessly without merit as the petitioner has knocked at the doors of the Court belatedly after more than 12/13 years of his retirement, and therefore on account of principle of laches is not entitled to any such relief. It is denied that the petitioner fulfilled the prerequisites laid down by virtue of Rules (Annexures P1 and P2) and sought dismissal of the petition.

Upon hearing Mr. Harbans Lal Sharma, Advocate for the petitioner; Ms. Anju Sharma Kaushik, Dy. Advocate General, Punjab representing the respondents and perusal of the records.

It is not in any manner displaced as to the date petitioner entered into service on the post of Inspector (Audit) on 17.07.1992 and his ACRs are well enumerated in (Annexure P9) according to which out of total 15 ACRs, 10 are 'Average' and only 5 are 'Good'. The notification issued by the Department of Personnel and Administrative

Reforms (Annexure P1) ensures that with effect from 21.07.1997, i.e. the date of notification, for promotion/placement in higher scales/proficiency step-up, annual confidential reports of last five years may be considered and in the present case as per the claim of the petitioner he is entitled to step-up with effect from 2006. Out of last five ACRs, two are 'Average' and three are 'Good' and evidently the authorities while considering his representation had passed orders (Annexure P9) detailing that he does not fulfill the criteria of 'Good' ACRs out of last three and therefore is not entitled to ACP after eight years, and which order has been passed way back on 27.10.2017 and thereafter, the petitioner had filed a writ petition bearing CWP No.13395 of 2017 titled 'Shvinderpal Singh vs. State of Punjab and others' (Annexure P8) in which this Court has passed orders to the effect that his legal notice (Annexure P7) may be considered as per law.

The petitioner has retired on 28.02.2007 and the present writ petition has been filed in the year 2019, after more than 12 years and therefore, to the mind of this Court the petition is barred by the principle of laches and there is nothing substantial to prima facie show what efforts have been made in-between by the petitioner to lay claim to his so-called proficiency step-up. The State Government in its notification (Annexure P2) dated 10.01.2000 has clarified that the term '*overall service record is adjudged as "Good" will mean that 50% reports should be "Good" and above, including at least two of the last three reports*', and which is apparent from order (Annexure P9) that the petitioner does

not clear this bar. The contentions of learned counsel for the petitioner Mr.Harbans Lal Sharma, Advocate that it is the continuing cause of action, does not impress the Court much as such stale claims cannot be allowed to be entertained. Thus, in the light of what has been detailed and discussed above, there is no merit in the present petition which stands disposed off as dismissed.

(FATEH DEEP SINGH)
JUDGE

March 11, 2022

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