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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8503-2016(O&M)
Date of decision : 17.02.2023

Neeraj Verma and anotherPetitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Gaurav Tangri, Advocate
for the petitioners.

Mr. I.P.S. Kang, A.A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

Petitioners herein are aggrieved of the action of the respondents in insisting upon 2 years ITI certificate to entertain his claim for annual increments in terms of letter dated 08.07.1997 issued by Finance Department placed at Annexure P-3. Petitioners were appointed for the post Tracer with the respondent-Corporation. Thereafter being eligible under the Rules, they were promoted as Draftsman. The details of their appointment is reads as under:-

Sr. No.	Name	Date of Joining as Tracer/ Draftsman	Date of Promotion as Draftsman	Remarks
1	Neeraj Verma	10/08/83	01/11/10	Still in service
2	Gurjeet Kaur	02/08/83	01/11/10	Still in service
3	Roshan Lal	01/04/80	02/05/07	Retired on 31.12.2014
4	Satwant Kaur	11/11/83	22.08.2008	Retired on 30.06.2014
5	Ramesh Kaur Widow of Late Sh. Bhuinder Singh Since deceased)	21.05.1979	02.05.2007	Died during service on 10.01.2010
6	Surinder Singh	17.04.1980	02/05/07	Retired on 31.01.2015
7	Daljit Singh	12/04/80	02/05/07	Still in service.

The Corporation vide notification dated 20.01.1989, amended the Punjab Civil Services (Revised Pay) Rules, 1988 and the relevant amendment, made *qua* the post of Draftsman and that of Tracers, read as under:-

Sr. No.	Post	Existing Scale	Revised Scale	Remarks
12	Draftsman	570-1080	1800-3200	A junior draftsman shall be eligible for promotion as Draftsman in the scale of Rs.1800-3200 after a minimum period of twelve years of service as such Junior Draftsman/Tracers already promoted as Draftsman before putting in twelve years of service in the lower scale will start in the scale of Rs.1800-3200 at the minimum of Rs.1800/- and shall be entitled to get increments in that scale only after they have completed the aforementioned minimum eligibility period of twelve years of service.
	Tracers	400-660 510-800 (Selection grade for 20%)	1200-2100	To be re-designated as Junior Draftsman and the qualifications to be raised to matriculation with two years Industrial Training Institute Certificate of Draftsman. A Junior Draftsman shall be eligible for promotion as Draftsman (in the scale of Rs.1800-3200) after a minimum period of twelve years of service.

Subsequent to the aforesaid amendment Department of Finance, issued communication dated 08.07.1997 addressed to all the Departmental Heads contemplating necessity of 2 years ITI Draftsman Trade Certificate as a condition pre-requisite for grant of annual increment to the promotees in the cadre of Draftsman from the Cadre of Tracers. Relevant part of the communication reads as under:-

1. *I was directed to draw your kind attention towards the Government Notification No. 10/49/89-FPI/1440 DATED 19.02.1990. Vide this notification except other than tracers from 01.01.1990 were re-designated as Junior Draftsman and they have been granted pay scale of Rs.1200-2100 for appointment of this post, it is made should have alongwith necessary that qualification of Metric two years Diploma in ITI person class Draftsman. Vide this notification, it is also as made clear that a Tracer / Junior Draftsman would be promoted only on completion of 12 years of service. However, notification it is not vide this clear that whether Tracer / Junior Draftsman already appointed prior to 01.04.1985 and their 12 years of service would be computed from their date of appointment from dated 01.01.1986 for considering their promotions.*

2. *After consideration on this aspect from all angles, it has been decided that from 01.01.1986 onwards, for the promotion of tracer as Draftsman to be considered from 01.01.1986 even if he do not possess two years ITI draftsman trade certificate but he is not entitled for the annual increment until and unless he did not possess and submit his two years ITI Certificate. This decision is implemented on those either have been promoted after 01.01.1996 or they are tom be promoted.*

Learned counsel for the petitioner submits that the impugned order Annexure P-10 passed in the light of Annexure P-3 cannot be sustained. He submits that as per the amendment carried out in the Rules, a person already promoted as Draftsman from the cadre of Junior Draftsman/Tracer has been held entitled to the increment in the relevant pay scale on having completed minimum eligibility of 12 years of service, which admittedly the petitioners possess. He, thus, submits that the qualification added to the post of Tracer, cannot be added to the case of the petitioners, once they are being specifically dealt with by the Rules.

Mr. Kang, is not in position to dispute the fact that the amended rules also do not contemplate ITI certificate of Draftsman as condition precedent for entitlement to annual increment for the persons already promoted as Draftsman.

In view of the aforesaid facts, impugned order cannot be sustained. Impugned order Annexure P-10, is hereby ordered to be quashed. Petitioners are held entitled for annual increment even under the Amended Rules.

Respondents are directed to release the arrears to the petitioners within a period of eight weeks from the date of receipt of certified copy of this order along with interest calculated @6% per annum from the date, the petitioners became entitled till the date of actual realization.

Present petition stands disposed off in above terms.

17.02.2023

ps-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No