



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

571

CWP-9814-2003 (O & M)
Date of decision: 26.03.2025

Dharam Paul

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Arun Gupta, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 23.07.2002, Annexure P-5, and ordering the grant of 24 years and 32 years proficiency step-up and one promotion under ACP Scheme to the petitioner.

2. Learned State counsel refers to paras 1 and 2 of preliminary objections of written statement by the Junior State Officer (Admn) State Headquarters, Punjab Home Guards, dated 21.01.2024, which read thus:

“1. That the present Civil writ Petition is not maintainable since the case of the petitioner has already been considered by Respondent No.2, as annexed with the petition as Annexure P-5, under Punjab Govt. instructions dated 23.9.98. As per para 1 (b) of Punjab Govt. instructions dated 1-9-89, Annexure RI “an employee will be eligible for Proficiency increment(s) only if he has not gained any enhancement in his basic pay, except by way of annual increments and fixation of pay as a result of revision of pay scales from time to time.” Thus, in case the pay in the senior scale/selection grade is fixed at the minimum, where-by one gets the benefit of one or more increment (s)

the service rendered against the post prior to the date of such fixation of pay will not be counted for the purpose of grant of Proficiency step-up (s). However, the period of eight or eighteen years service will further be reckoned for the purpose of grant of Proficiency step-up (s) from the start of placement in the senior scale/selection grade. As the petitioner was granted higher pay scale of Junior Assistant with effect from 1.1.86 and have received monetary benefit equal to two increments at the time of grant of aforesaid higher pay scale, the 24 years Proficiency step up was net due to him. He having not completed 24 years service as Junior Assistant with effect from 1.1.86, therefore, his claim for 24 years Proficiency step up does not arise.

2. The present writ petition is not maintainable as the petitioner has not challenged the instructions dated 1.9.69, 10.3.97, & 25.9.98 Annexures R-I & P-I & P-II on the basis of which the case of the petitioner has been rejected.'

3. Disposed of, reserving the petitioner with a liberty to get it revived, in case need arises.

26.03.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No