
(2011) 12 SHI CK 0168
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 10123 of 2008

Achhar Singh

APPELLANT

Vs

State of H.P. and another

RESPONDENT

Date of Decision : 02-12-2011

Acts Referred:

Citation : (2011) 12 SHI CK 0168

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Judgement

Sanjay Karol, J.—Facts are not much in dispute. Petitioner, who was working as Gram Panchayat Vikas Adhikari was sent on deputation to the Agriculture and Horticulture Department under T & V Programme. On his repatriation to his parent department on 21.7.1995, where he joined on 1.8.1995, his pay was fixed at a scale which was lower than his junior namely Shri Prem Chand. Reason for doing so, as assigned by the respondents is that benefit of proficiency step up, though initially granted to him was withdrawn for the reason that in the department where petitioner was sent on deputation he was getting higher pay scale.

2. I am of the considered view that the stand taken by respondents is untenable in law. Keeping in view the ratio of law laid down by the Apex Court in Gurcharan Singh Grewal and another versus Punjab State Electricity Board and others (2009) 1 SCC (L&S) 578, on repatriation petitioner was entitled to pay scale which was higher than his junior. However in this petition, petitioner is only claiming benefit of Assured Career Progression Scheme. In that regard, there is no bar in the Rules. At least this amount ought to have been paid to the petitioner even if he was placed at a pay scale equivalent to that of his junior.

3. It is contended by Mr. Guleria, learned Assistant Advocate General that increment was withheld as certain disciplinary proceedings were initiated/pending against the petitioner. Record, as placed before this Court does not indicate that proceedings were pending prior to the date of repatriation or prior

to petitioner's entitlement to benefit of ACP. What is the out come of these proceedings is also not clear. As such respondents are directed to grant benefit under ACP to the petitioner which is at par with his junior. This, however, is subject to verification in relation to the pendency and out come of the disciplinary proceedings. Necessary action shall positively be taken within a period of three months from the date of receipt of certified copy of this judgment.

4. With these observations, petition stands disposed of, so also the pending application (s), if any.