

(2014) 07 P&H CK 0555
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 22731 of 2011

Er. Jit Singh Mallah

APPELLANT

Vs

Punjab State Power Corporation Ltd.

RESPONDENT

Date of Decision : 25-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0555

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : V.K. Shukla, Advocate for the Appellant; Amit Aggarwal, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Sabina, J.—Petitioner has filed this petition challenging the action of the respondents, whereby, he was not granted time bound pay scale on completion of 16 years of service.

2. Case of the petitioner, in brief, is that he joined the service of respondent-Corporation as Lineman on 24.01.1970 and earned his promotions in due course. Respondent-Corporation issued policy dated 23.04.1990 for grant of time bound pay scales on completion of 9/16 years of service by the employees. Petitioner was granted 9 years time bound pay scale w.e.f. 17.05.1998. However, the petitioner was not granted the time bound promotional pay scale on completion of 16 years of service. Hence, the present petition.

3. Learned counsel for the petitioner has submitted that the respondents had erred in not granting time bound promotional pay scale to the petitioner on his completing 16 years of service on irrelevant considerations. Petitioner had never been conveyed adverse/average report at any stage during the period in question.

4. Learned counsel for the respondents, on the other hand, has opposed the petition and has submitted that the petitioner had not been granted the time

bound scale on completion of his 16 years of service, as his performance was not up to the mark and he had many average and one below average Annual Confidential Report (in short "ACR") during his service from the year 1989 to 2007. Some of the reports were conveyed to the petitioner. Many disciplinary cases were also initiated against the petitioner for acts and omissions committed by him and he was awarded major/minor punishments.

5. In the present case, the question that requires consideration is as to whether the petitioner was liable to be granted the time bound promotional scale on account of his completion of 16 years of service. In this regard, case of the petitioner was declined by the respondents vide order Annexure P-5. Order Annexure P-5 reads as under:-

In respect of above subject, you are hereby informed that in accordance with Instructions of the Board, there is a need of 15 marks for Confidential Reports regarding grant of 16 years Time Bound Pay-scale, but as per Instructions, your marks of Confidential Reports do not complete. Therefore, you are not entitled to get 16 years Time Bound Pay-Scale.

6. Annexure P-6 is the memo dated 18.02.1997, wherein, inter alia, evaluation of employee on the basis of ACRs has been mentioned. As per the same an employee is liable to be given 5 points for Outstanding report, 4 points for Very Good report, 3 points for Good report, 2 points for Average report, 1 point for below average report and -5 (minus five) for ACR with integrity doubtful. Petitioner completed 16 years of service on 17.05.2005. Respondents held him not eligible for 16 years time bound pay scale as he had failed to obtain 15 marks as required for grant of 16 years time bound promotional scale. In this regard, the marks were calculated on the basis of 5 years assessment of ACRs along with appreciation letters and the marks were deducted on account of punishment, if any, awarded.

7. Para 7 of the preliminary objection reads as under:-

It is submitted that the petitioner was aware of the criteria/conditions for grant of time bound promotional pay scale, which is clear from his representation wherein he submitted a letter of appreciation with it so that he could fulfill the conditions of marks for obtaining the second time bound pay scale. It is submitted that though the petitioner completed 16 years of service on 17.5.2005, he was not eligible for the 16 years time bound pay scale as he had not obtained 15 marks which is required for the grant of 16 years TBPS. It is further clarified here that the criteria for obtaining the required 15 marks is based on five years assessment of ACRs plus the marks of appreciation letters and minus the marks of punishment awarded.

8. Thus, as per the above reply, there were 17 disciplinary cases initiated against the petitioner during his service and he was awarded major/minor punishments in 15 cases. During the relevant period in question, petitioner earned good/average reports. On calculating the marks of the ACRs, it was found that the

petitioner had not obtained 15 marks which were necessary to be obtained for entitlement to grant of time bound promotional scale on completion of 16 years of service. Petitioner retired from service on 31.05.2007 after attaining the age of superannuation. Thereafter, petitioner moved a representation in the year 2009 that he was entitled to get 16 years time bound pay scale. The said representation moved by the petitioner was dismissed vide order dated 15.05.2009 (Annexure P-5). The writ petition in question was filed in December, 2011. Thus, when the petitioner was in service, he never approached the Department for the relief in question. However, after his retirement he approached the respondent-Corporation that he should be granted the time-bound pay scale on completion of 16 years of service. The writ petition was also filed after about 2 1/2 years of the rejection of the representation moved by the petitioner. Since the petitioner had failed to make the benchmark necessary for grant of the time bound pay scale on completion of 16 years of service, no ground for interference by this Court is made out.

9. Dismissed.