

(2011) 01 SHI CK 0034
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 13662 of 2008

Parkash Chand

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 04-01-2011

Acts Referred:

Citation : (2011) 01 SHI CK 0034

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Deepak Gupta, J.—By means of this petition, the Petitioner has prayed that he should be given an additional increment on completion of 24 years service in the year 1995 and one additional increment on completion of 32 years service in the year 2003 pursuant to the policy of the State Government as contained in the Assured Career Progression Scheme of the State Government.

2. The stand of the Respondent is that the case of the Petitioner is not covered under the said scheme since the Petitioner has been re-designated as Technician Grade-I in the higher scale of pay though admittedly he has not got any benefit of higher pay since he was already drawing a pay which was on the higher side.

3. As per the assured career progression scheme, if an employee continues to work in the same post in the same cadre and could not be promoted to the next higher level on account of non-availability of vacancy or non-existence of promotional avenues, such employee after eight years of service would be granted the pay scale which is next higher in the hierarchy. In addition to this a proficiency step up would be granted to such an employee after 16 years of service and second proficiency step up would be granted after 24 years of service if the employee continue in the same post. It is also provided that in case an employee continues to serve in the same post even after 32 years he would be posted in the next pay scale in the hierarchy of pay scales. According to the

Respondents, the Petitioner is not entitled to such relief since he was placed in the next higher pay scale of Technician Grade-II i.e. Rs. 4550-7200 w.e.f. 1.1.1996. This order was passed on 16.3.2007 and it clearly shows that the Petitioner in actual effect has not been given any pecuniary benefit whatsoever.

4. In any event, the Petitioner had already completed 24 years of service in the year 1995 and he in terms of the Assured Career Progression Scheme was entitled to grant of second proficiency step up which has not been granted to him. He cannot be denied this benefit on the ground that he has been placed in the higher pay scale on 1.1.1996 i.e. after he became entitled to the second proficiency step up.

5. In view of the above discussion, the petition is allowed to the limited extent that the Petitioner is held entitled to the grant of second proficiency step up in terms of the Assured Career Progression Scheme w.e.f.1995 when he completed 24 years of service. The Respondents are directed to refix the pay of the Petitioner and also his pension and pay the arrears due and payable to him alongwith interest @ 6% per annum from the date when the amount fell due on or before 31.5.2011. In case, this amount is not deposited by 31.5.2011 the State shall be liable to pay interest @ 12% per annum. The petition is disposed of in the aforesaid terms.