
(2011) 09 SHI CK 0022
In the High Court Of Himachal Pradesh
Case No : CWPT No. 14475 of 2008

Shanti Devi

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 16-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0022

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Surjit Singh, J.—Heard and gone through the record.

2. Petitioner, who has since retired, was appointed as Sweeper in the year 1974, in regular pay scale. She had been granted proficiency step-ups on completion of 8 years and 18 years of service, as per prevailing instructions. However, in the year 1996, instructions regarding proficiency step-ups were revised, vide letter No. Fin(PR)B(75)51/98 dated 15.12.1998. Paras 2(b)(ii) and 2(v)(c) of the said letter are relevant for deciding the present case and they are reproduced below for ready reference:

2(b)(ii)A proficiency Step-up shall be granted to such an employee after 16 years of service and a Second Proficiency Step-up shall be granted after 24 years of service if the employee still continues in the same post. Service rendered by an employee in the lower and higher pay scale granted as per (a) above shall be reckoned as service in the same post for this purpose.

2(v)(c)An employee who has completed 18 years of service in the same post and has been allowed benefit of two proficiency steps(s)-up under the existing instructions shall be placed in the higher scale without benefit of increment by adjusting this proficiency step-up granted after 8 years of service. He shall be notionally treated to have been placed to the higher pay scale after 8 years and granted first proficiency step-up after 16 years. He shall be eligible for second

proficiency step-up and placement in higher scale when he completes 24 years and 32 years in the same post.

3. Petitioner, who had not been given any promotion and was, therefore, entitled to proficiency step up in view of the provisions of Para 2(b)(ii), was given the higher pay scale on completion of 8 years service, as per para 2 (v)(c), but further stepping up was granted to her on completion of 18 years, instead of 16 years of service. Second stepping up was, however, given to her on completion of 24 years of service. Petitioner is aggrieved by the inaction of the Respondents in not granting the first stepping up, on completion of 16 years. It is also her grievance that when she was granted the second stepping up, on completion of 24 years of service in December, 1998, she was entitled to normal annual increment from 1.1.1999, but the said increment was given to her from 1.2.1999, per Annexure A-2, though as per pay fixation order Annexure A-4, she was to get this increment from 1.1.1999.

4. Respondents, in their reply, have offered no explanation for not revising the order of stepping up, on receipt of instructions, contained in above referred to letter dated 15.12.19998, under which Petitioner became entitled to first stepping up in the higher pay scale, which scale had been granted to her on completion of 8 years service, on completion of 16 years of service. It is, however, admitted that Petitioner was entitled to increment w.e.f. 1.1.1999.

5. Since the instructions, referred to above, very clearly provide for grant of higher pay scale on completion of 8 years service, which had been rightly released in favour of the Petitioner and also for further stepping up on completion of 16 years service and 24 years service and the Petitioner is eligible and entitled to such stepping ups, as she had not been promoted, Respondents are directed to give the first proficiency step up to the Petitioner in the pay scale, which she was granted on completion of 8 years service, when she completed 16 years of service, i.e. from 30.12.1990 and next step-up when she completed 24 years of service and to fix her pay accordingly w.e.f. 30.12.1990 onwards. While fixing her pay from 30.12. 1990 onwards, it shall be borne in mind that normal date of increment of the Petitioner is 1st January every year and, therefore, her pay in the year 1999 is to be re-fixed, on account of accrual of annual increment from 1.1.1999 instead of 1.2.1999. This direction be complied with by 30.11.2011 and financial benefits, accruing to the Petitioner on account of compliance of this direction, be disbursed to her within next 15 days.

Disposed of.