

**Budhi Ram Verma versus Himachal Pradesh
Electricity Board Ltd.**

CWP No.8830 of 2013

10.04.2026 Present: Mr. M.L. Sharma, Advocate, for the petitioner.

Mr. Rahul Anand Kapoor, Advocate vice
Mr. Anil Kumar, Advocate, for the
respondent-HPSEBL.

Case of the petitioner is that he has joined service as Clerk on 15.11.1973. He was promoted as UDC [Now Senior Assistant] on 30.05.1987. Despite promotion, he was not relieved for joining the promotional post but he was relieved belatedly on 31.12.1987 and accordingly, he joined on promotion as UDC [Now Senior Assistant] on 11.01.1988. As per then existing norms, the proficiency increment was admissible on completion of 08 years in a cadre and based on this, other similar and junior incumbents who were promoted as UDC [Now Senior Assistant] along with petitioner were granted proficiency step-up on completion of 08 years of service, *whereas* due to belated relieving and belated joining and belated non-completion of requisite 08 years, the benefit of proficiency was

not given to the petitioner at par with similar juniors incumbents.

2. Petitioner retired from service as Section Officer on 31.10.2012. After his superannuation, the petitioner filed CWP No.116 of 2013, praying for grant of proficiency step-up, on completion of 08 years service as UDC, on the same analogy, on which other similarly and junior UDC's were granted the said benefit in terms of Office Order No.138, dated 05.12.1989.

3. Records reveal that pursuant to the directions passed by this Court in CWP No.116 of 2013, the Respondent-Board issued an Office Order on 04.06.2013 [*Annexure P-17*] granting the proficiency step-up to the petitioner, which reads as under:-

- "1) That Sh. Budhi Ram (Petitioner) Retired as Section Officer on attaining the age of superannuation on 31.10.2012 who was initially appointed as Clerk and joined as such on 15.11.1973. He was further promoted as UDC (now renamed as Sr. Assistant) vide office order No.85 dated 30.05.1987 along with his counter parts.
- 2) That all the counter parts senior and junior to him had joined the new assignment of UDC (now Sr. Assistant) during 6/1987 and their pay stood fixed at Rs. 1800/- per month

in the Pay Scale of Rs. 1800-3200 with date of next increment 1.6.1988 etc. **On completion of 8 years of service on the said post the persons senior/ junior to the petitioner have been allowed/granted the benefit of proficiency step up during the month of 6/1995 as per provisions of office order No. 138 dated 5.12.1989.**

3. That Sh. Budhi Ram (Petitioner) had joined as LDC/Clerk during 1973 in the Board. *He was further promoted as UDC (now Sr. Assistant) during 5/87. Owing to his late relieving by the Assistant Engineer, Electrical Sub Division, Namhol on 31.12.1987 (AN) vide order dated 31.12.1987 due to shortage of staff, the petitioner could join the new assignment on 11.1.1988 which resulted in fixation of the pay of petitioner lower than the pay of his counter parts. Due to his late join he could complete 8 years service criteria provided for the grant of proficiency step up on 11.1.1996. Relevant to note here that the pay scales of the employees of the HPSEB were revised on and w.e.f. 1.1.1996 and there was no provision for the grant of proficiency step up under the revised scales notified on and w.e.f. 1/1/1996. Since the petitioner completed the requisite criteria of 8 years on 11/1/1996, therefore, he could not be granted proficiency step up. Had he been relieved by the Assistant. Engineer ESD Namhol immediately on his promotion as UDC (now Sr. Assistant), in that event he would have completed the requisite criteria prior to 1/1/1996 and consequently got proficiency step up. From the above, it is evidently clear that **the petitioner could not get proficiency step up due to administrative lapse/reasons for which nothing is attributable on the part of the petitioner in any way or in any manner.***

In view of above, it is **hereby ordered that the eight years criteria for the grant of proficiency step up in the**

case of petitioner may be regulated from 26/6/1987 i.e. the date of joining of his immediate junior as UDC (now Sr. Assistant) and his pay may be fixed notionally. The other subsequent orders of pay fixation issued from time to time may also be revised accordingly on notional basis. However, the petitioner shall be entitled to the actual enhanced pensionary benefits, if any, from the date of his retirement under the provisions of Rule-33 & Rule-34 of CCS (Pension) Rules 1972 in pursuance of the clarification issued by the Principal Secretary (Finance) to the Govt. of HP vide his office Memo endorsed vide No. Fin (Pen) A (3)-12/2010 dated 12 March, 2013.”

4. Perusal of Office Order dated 04.06.2013 [Annexure P-17] indicates that Respondent-Board had acceded to the prayer for grant of proficiency step-up by reckoning 08 years of service as UDC from 26.06.1987 i.e. the date from which his immediate junior was promoted as UDC [Now Senior Assistant], on notional basis, but by granting benefit of aforesaid proficiency step-up pay fixation, for enhanced-revised pensionary benefits.

5. Now, the grievance, in short is that in terms of order dated 04.06.2013 [Annexure P-17], based on the service as UDC reckonable from 26.06.1987 i.e. the date from which immediate junior had joined and was granted

proficiency increment though benefit of proficiency step-up has been given to the petitioner on notional basis without any fault attributable to him as the non-relieving from the earlier post was an act falling within the domain of Respondent-Board *and* no fault was attributed to petitioner *and* once other similar-juniors had joined the promotional post of UDC on 26.06.1987 were granted proficiency step-up during June 1995 but the belated relieving and belated joining and non-completion of 08 years' service on promotional post of UDC has deprived him of actual benefits, including monetary benefits.

6. Pursuant to the issuance of notice, Respondent-Board has filed a Reply-Affidavit, whereby, issuance of order dated 04.06.2013 [*Annexure P-17*] is not in dispute. The prime contention in Para 8 of Reply-Affidavit is that a compromise was arrived at between the Respondent-Board and the petitioner that actual financial benefits accruing from proficiency increment may be granted to him.

7. Material on record indicates that no compromise has been arrived at between the petitioner and Respondent-Board for not claiming actual monetary benefits. Even, Respondent-Board has not placed on record any such compromise. Moreover, the order dated 04.06.2013 [*Annexure P-17*] does not spell out any such compromise was arrived at between the petitioner and Respondent-Board. The plea now taken is an afterthought so as to deny the actual benefits, is untenable for the reason, that the petitioner can neither be rendered ineligible nor denied the benefits by treating 'equals as unequal'.

8. At this stage, prayer is made for adjournment for non-availability of Original Counsel for the Respondent-Board.

As prayed, list the matter for consideration on **15.05.2026**.

April 10, 2026
[Shivender]

(Ranjan Sharma)
Judge