

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1018-1020 OF 2001

STATE OF PUNJAB & ORS.

Appellant (s)

VERSUS

ONKAR SINGH & ORS.

Respondent(s)

(With office report )

With

S.L.P.(C) No. 25247/2004

(With appln for exemption from filing C/C of the impugned judgment and with prayer for interim relief)

S.L.P.(C) No. 4225/2005

(With appln for c/delay in filing SLP and c/delay in refiling SLP and with prayer for interim relief)

S.L.P.(C) No. 4303/2005

(With appln for substitution of L.Rs of the deceased respondent and c/delay in filing substitution appln and office report)

S.L.P.(C) No. 3475/2005

( with prayer for interim relief and office report)

S.L.P.(C) No. 4973/2005

(With appln for c/delay in filing SLP and office report)

S.L.P.(C) No. 5863/2005

(With appln for exemption from filing O.T. And permission to submit additional document(s) and permission to file rejoinder affidavit and with prayer for interim relief and office report)

S.L.P.(C) No. 8397/2005

(With appln for permission to file rejoinder affidavit and with prayer for

interim relief and office report)

S.L.P.(C) No. 8392/2005

(With appln for substitution and setting aside an abatement and c/delay in filing substitution application and with prayer for interim relief and office report)

S.L.P.(C) No. 5301/2005

(With appln for c/delay in fil fiing SLP and c/delay in filing substitution appln. And office report)

C.A. No. 3428 of 2002

(With appln for c/delay in filing substitution appln. and substitutioin and c/delay in filing substitution appln. And office report)

S.L.P.(C) No. 14265/2003

(With appln for substitution and c/delay in filing substitution appln. And permission to file rejoinder affidavit and with prayer for interim relief)

C.A. No. 5545/2005

(with office report)

Date: 18/04/2007 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE TARUN CHATTERJEE

: 2 :

For Appellant(s) Mr.Kuldip Singh, Adv.  
Mr. R.K. Pandey, Adv.  
Mr. Sanjay Katyal, Adv.  
Mr. T.P. Mishra, Adv.  
Mr. Arun K. Sinha, Adv.

For Respondent(s) Mr. Vinay Mohan, Sharma, Adv.

Mr. Ravinder Yadav, Adv.

Mr. Sameer Bhalotra, Adv.

Mr. Kuldip Singh, Adv.

Ms. Neha Sharma, Adv.

Mr. Goodwill Indeevar, Adv.

Mr. Dinesh Verma, Adv.

Mr. A.P. Mohanty, Adv.

Mr. Ranbir Singh Yadav, Adv.

Mr. K.L. Taneja, Adv.

Mr. Debasis Misra, Adv.

Ms. Madhu Moolchandani, Adv.

Mr. Narender Yadav, Adv.

Mr. S.K. Arora, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Ms. Sikha Pabbi, Adv.

Mr. Sandeep Sharma, Adv.

Mr. S.K. Sabharwal, Adv.

Mr. Narender Yadav, Adv.

Mr. Mushtaq Ahmad, Adv.

Mr. Jagjit Singh Chhabra, Adv.

UPON hearing counsel the Court made the following

O R D E R

After considering the matter at length and perusing

the various orders passed by this Court from time to time, it appears that various cases were decided relating to the State of Haryana and not to the State of Punjab. Learned counsel for the State of Punjab submitted that so far as State of Punjab is concerned, there are circulars bearing on the subject which clarify that stepping up benefit shall not be given to the work-charged employees and their past services prior to the regularisation shall not be

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counted for this benefit. In this connection, learned counsel has invited our attention to the circular (Annexure R-3) at page 187 of of C.A. 1018-1020 of 2001 and Circular No. 7/79/91-5 PP I/15852 dated 29.10.1991 from Department of Personnel and Administrative Reforms and in that the question which was referred for clarification was the grant of proficiency step up to work-charged employees and the clarification has been issued by the State of Punjab in

continuation of their earlier circulars that the admissibility of the proficiency step up to work-charged employees on completion of 8 and 18 years of their service as such is not admissible to work-charged employees. This circular appears to be not produced before the High Court nor this circular appears to have been brought to the notice of this Court.

Learned counsel for the respondent has invited our attention to an order passed by this court in C.A. Nos. 5740-5741/1997 titled State of Haryana & Ors. Vs. Ravinder Kumar & Ors. In that matter, this Court on a concession given by the counsel for the State held that the period which the employees have rendered as work charge basis count for the purpose of the increment in the cadre as well as the qualifying service for the pension. This Court did not decide the issue with regard to the circulars of the State of Punjab. The circulars issued from time to time by the State of Haryana and Punjab may not be same but so far as State of Punjab is concerned, learned counsel has invited our attention to these

two circulars as mentioned above.

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Learned counsel for the State of Punjab may file an affidavit

producing all the circulars which have bearing on the subject

within four weeks and it will be open for the respondents to

file counter-affidavit, if they chose to file in another period of

four weeks.

Learned counsel for the State of Punjab is also

directed to complete the procedural formalities in those cases

where it is pending within a period of eight weeks.

Put up after eight weeks.

[ PARDEEP KUMAR ]

[RADHA R.]

BHATIA]

COURT MASTER

COURT MASTER