

- (ii) appointments to a permanent post, of a person temporary for a period not exceeding six months, if owing to emergent circumstances having arisen, it is necessary in public interest to fill the vacancy immediately, and there is likely to be undue delay in making appointment in consultation with the Board; and
- (iii) a post to be filled in by promotion or transfer.

3. Terms and conditions.--Terms and conditions of service for the Chairman and Members shall be such as may be notified by the State Government.

4. Headquarters.--The Headquarters of the Board shall be at Chandigarh or at any other place as the State Government may notify.

5. Interpretation.--If any question arises as to the interpretation of any provision of this notification, the State Government (in Personnel and Administrative Reforms Department) shall decide the same.

Copy of Punjab Government circular letter No. 7/106/91-5PPI/19586, dated 20th September, 1994, from the Department of Personnel and Administrative Reforms, addressed to all the Financial Commissioners and Administrative Secretaries to Government, Punjab and all Heads of Departments, etc., etc.

Subject : Clarification in respect of grant of Proficiency Step-up(s).

I am directed to invite a reference to Punjab Government Circular letter No. 7/14/88-5PPI/16200, dated 1st September, 1989 and No. 7/14/89-5PPI/5147, dated 26th March, 1990, on the above subject and to say that these instructions were challenged in C.W.P. No. 3397 of 1991 Shri Beant Singh Bedi, Additional District and Sessions Judge versus State of Punjab and other and C.W.P. No. 13402 of 1991 Shri M.M. Aggarwal, Senior Sub Judge versus State of Punjab and others. The Punjab and Haryana High Court in its judgement dated 12th December, 1991 allowed the writ petitions and held that the instructions (referred to above) cannot be applied retrospectively and any Government employee, who has fulfilled the conditions as laid down in Government instructions No. 7/14/88-5PPI/2269/18527, dated 1st December, 1988 is entitled to the benefit for the grant of proficiency step up (s) Government filed an L.P.A. against this judgement but the same was dismissed by the Hon'ble High

Court. An S.L.P. was filed by Government in the Hon'ble Supreme Court against this judgement but the same was also dismissed by the Supreme Court of India on 4th January, 1993.

2. Government have been considering for sometime past as to whether the aforesaid judgement dated 12th December, 1991 of the Hon'ble Punjab and Haryana High Court would be applicable in all the cases of similar nature/facts. The legal advice is that in view of the judgement of the Hon'ble Punjab and Haryana High Court confirmed by the Supreme Court, the instructions dated 1st September, 1989 and 26th March, 1990 are to be prospective in operation. The case of different categories of employees are to be dealt with accordingly. The Government could not apply these instructions to the cases of employees earlier to the date of issue of these instructions. The High Court by holding that these instructions are prospective in nature has upheld their validity. In view of this legal position, it has been decided that the clarifications given in government instructions dated 1st September, 1989 and 26th March, 1990 referred to above, should be made effective prospectively, that is, grant of proficiency Step up(s) to the different categories of the government employees from the date(s) earlier to the date of issue of the instructions dated 1st September, 1989 and 26th March, 1990 may be dealt with, as per government instructions dated 1st December, 1988 referred to above, and the cases of employees in whose cases the proficiency step-up(s) became due after 1st September, 1989 or 26th March, 1990, as the case may be, should be dealt with as per Government instructions dated 1st December, 1988 read with instructions dated 1st September, 1989 and 26th March, 1990.

3. This issues with the concurrence of Finance Department conveyed,--vide I.D. No. 6/24/91-IFP-II/1588, dated 5th September, 1994.

4. Kindly acknowledged receipt.

ਗਸਤੀ ਪੱਤਰ ਨੰ: 12/28/94-3ਪੀਪੀ।।/19857, ਮਿਤੀ 23 ਸਤੰਬਰ, 1994, ਵੱਲੋਂ ਪ੍ਰਸ਼ੋਨਲ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸੁਧਾਰ ਵਿਭਾਗ ਵੱਲ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ ।

ਵਿਸ਼ਾ :--ਪੰਚਾਇਤ ਸੰਮਤੀਆਂ ਅਤੇ ਜ਼ਿਲ੍ਹਾ ਪ੍ਰੀਸ਼ਦਾਂ ਦੀਆਂ ਆਮ ਚੋਣਾਂ ਜ਼ਿਲ੍ਹਾ ਪੱਧਰ ਦੇ ਅਫਸਰਾਂ ਦੀਆਂ ਮੀਟਿੰਗਾਂ ਨਾ ਕਰਨ ਬਾਰੇ ।

ਮੈਨੂੰ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਦਾ ਧਿਆਨ ਦਿਵਾਉਂਦੇ ਹੋਏ ਇਹ ਕਹਿਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਰਾਜ ਵਿੱਚ ਪੰਚਾਇਤ ਸੰਮਤੀਆਂ ਅਤੇ ਜ਼ਿਲ੍ਹਾ ਪ੍ਰੀਸ਼ਦਾਂ ਦੀਆਂ ਆਮ ਚੋਣਾਂ ਮਿਤੀ 21