

ment, Chandigarh, should consider and decide the appeal filed by the petitioner within two months of the submission of certified copy of this order. While deciding the appeal of the petitioner, the concerned authority shall hear the petitioner in case he makes a request for personal hearing and pass reasoned order.

A copy of this order be forwarded to the Chief Secretary to Government, Punjab, so that he may consider the feasibility of issuing instructions to the appellate and revisional authorities to dispose of the appeals etc. within a specified time frame".

3. In view of the above judgement of Hon'ble Punjab and Haryana High Court, it is requested that all pending appeals/review petitions etc. preferred by the Government employees may be disposed of within three months from the date of issue of these instructions. It may further be ensured that in future appeals/review petitions preferred by the Government employees are disposed of within a period of three months from the receipt of such appeals/review petitions etc. As far as possible, disposal of appeals/review petitions should be through speaking orders.

4. These instructions may kindly be brought to the notice of all concerned for meticulous compliance.

5. The receipt of this letter may please be acknowledged.

Copy of Punjab Government circular letter No. 7/64/95-5PPI/5213, dated 10th March, 1997 from the Department of Personnel and Administrative Reforms, addressed to all the Heads of Department etc. in the State of Punjab.

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

Sir/Madam,

I am directed to invite a reference to Punjab Government Circular letter No.7/106/91-5PPI/19586, dated 20-9-94, on the above subject and to say that these instructions lay down that the clarifications given in circular letter No.7/14/88-5PPI, 16200, dated 1-9-1989 and No.7/14/88-5PPI/5147, dated 26-3-90 should be made effective prospectively, that is, grant of proficiency step-up(s) to the different categories of the employees from the date(s) earlier to the date of issue of the instructions dated 1-9-89 and 26-3-1990 may be dealt with as per government instructions contained in circular letter No.7/14/88-5PPI(2269)/18527, dated 1-12-1988 and the cases of employees in whose cases the Proficiency step-up(s) became due after 1-9-1989 or 26-3-1990, as the case may be, should be dealt with as per government instructions No.7/14/88-5PPI(2269)/18527, dated 1-12-90 read with instructions dated 1-5-89 and 26-3-96.

2. Certain departments have sought clarification on the point whether all those clerks who were placed in the scale of Senior Clerks before 1.1.86 or on 1.1.86 and gained in pay as a result of placement in the senior scale are to be given benefit of proficiency step-up(s) by counting their entire service as Clerk/Senior Clerk or by counting their service from the date of placement in the senior scale only, in view of the para 1(7) of the instructions No.7/14/88-5PPI(2269)/10527, dated 1-12-88, according to which for reckoning the period of 8 or 18 years the entire service in the time scale, senior scale and selection grade (of mere placement and not involving fixation of pay at higher level) etc., wherever available in a cadre, shall be counted. Similarly whether in the cases of all those Clerks who have been given the pay scale of Junior Assistant w.e.f. 1-1-86 and have gained in basic pay, the entire service as Clerk/Senior Clerk/Junior Assistant is to be counted for grant of Proficiency Step-up(s).

3. The matter has been considered by the government keeping in view the judgement of the Punjab and Haryana High Court in the cases quoted in the government instructions dated 20-9-1994. It is clarified that in the cases of those employees whose date(s) of grant of proficiency Step-up(s) fall before 1-9-89 by counting their entire service in a cadre and they have also gained in pay at the time of placement in senior scale or grant of selection grade, they may be allowed Proficiency Step-up(s), irrespective of the gain in pay in their cases because the words in bracket i.e. "of mere placement and not involving fixation of pay at higher level," in para 1(7) of the government instructions dated 1-12-1988 have become irrelevant in their cases, in the light of interpretation given by the Hon'ble Punjab and Haryana High Court and further direction of the Hon'ble Court that instructions dated 1-9-89 and 26-3-1990 shall have prospective effect. In brief, the works given in brackets i.e. "of mere placement and not involving fixation of pay at higher level" in para 1(7) of the instructions dated 1-12-1988 are not to be kept in view in the cases of those employees in whose case the date(s) of proficiency Step-up(s) fall before 1-9-1989 by counting their entire service in the cadre and they are to be allowed proficiency Step-up(s) from the due dates irrespective of the gain in pay at the time of placement in senior scale or grant of selection grade. However, in the cases of those employees in whose cases the date(s) of proficiency Step-up(s) fall after 1-9-1989 by counting their entire service in a cadre, their cases may be decided in the light of the instructions dated 1-12-1988 and the clarifications given in government instructions dated 1-9-1989. It is further clarified that as per instructions dated 20-9-94 under reference all the points clarified in the instructions dated 1-9-1989 shall be kept in view only in the cases of those employees in whose cases the date(s) of proficiency Step-up(s) fall after 1-9-1989 by counting their entire service in a cadre and in the cases of those employees whose date(s) of proficiency step-up(s) fall before 1-9-1989 the proficiency step-up(s) may be allowed from the due dates irrespective of the position that as per clarifications given in the instructions dated 1-9-1989 they are not entitled to the grant of proficiency Step-up(s) from the due date.

4. This issue with the concurrence of Finance Deptt. conveyed vide their I.D.No.23/1/96-IFP2/869, dated 11-2-1997.

5. Kindly acknowledge receipt.

Copy of Punjab Government circular letter No. 14/33/94-4PPIII/6055, dated 21st March, 1997 from the Department of Personnel and Administrative Reforms, addressed to all the Heads of Department etc. in the State of Punjab.

Subject :- *Appointments of Class-3 and Class-4 employees on adhoc/89 days basis – regarding directions of Hon'ble Punjab and Haryana High Court.*

Sir/Madam,

I am directed to invite a reference to Punjab Government circular letter No.14/33/94-4PP-III/1454, dated 17-1-1997 on the subject cited above, according to which directions of the Hon'ble Punjab and Haryana High Court were conveyed to the effect that persons appointed on 89 days basis shall continue in service till availability of regularly selected persons or till 31st March, 1997, whichever is earlier. The matter was pending before the Hon'ble High Court and now D.O. letter no. 17386, dated 19.3.1997 has been received from the Advocate General, Punjab. It has been informed by the Advocate General Punjab that a Division Bench comprising of Mr. Justice G.S. Singhvi and Mr. Justice Iqbal Singh has issued instructions in Civil Writ Petition No. 14379 of 1996 – Avtar Singh Vs. State of Punjab, copy of which is yet to be received in the Personnel Department, to the effect that the appointments of all the adhoc employees appointed on 89 days basis are to be terminated by 31.3.1997. If their services are continued after 31.3.1997, the person incharge of that Department will have to make payments towards their pay etc. from his own pocket. He has further stated that earlier this very Court had directed that posts which are held by adhoc employees should be filled up on a