



IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWPOA No. 3119 of 2019
Reserved on: 18.07.2025
Decided on: 23.07.2025

Savita Guleria ...Petitioner
Versus
H.P. Subordinate Services Selection Board & another.
...Respondents

Coram

The Hon'ble Mr. Justice Satyen Vaidya, Judge

¹ Whether approved for reporting? Yes

For the petitioner : Ms. Vaishali Lakhanpal and Mr. Parv Sharma, Advocates.
For the respondents: Ms. Archana Dutt, Advocate, for respondent No.1.
Mr. Gautam Sood, Deputy Advocate General, for respondent No.2.

Satyen Vaidya, Judge

The instant petition has been filed for the grant of following substantive relief:

“i) That the memo dated 10.08.2011 at Annexure P-8, whereby the claim of the petitioner has been rejected and the orders of rejection at Annexure P-4 and Annexure P-5 may very kindly be quashed and set-aside and the respondents may very kindly be directed to grant the benefit of Assured Career Progression Scheme to the petitioner w.e.f. due date of completion of 8 years’ service on 2.1.2003, with all

¹ Whether reporters of Local Papers may be allowed to see the judgment?

consequential benefits and also benefit of seniority by taking into account the services rendered by her in the previous/parent department of Town & Country Planning.”

2. The initial appointment of the petitioner was as Steno-typist in the Department of Town & Country Planning, Himachal Pradesh. The petitioner expressed her willingness to be sent on deputation to Himachal Pradesh Subordinate Services Selection Board (for short, “HPSSSB”) as clerk and as consequence thereof, she joined HPSSSB on 01.11.1999.

3. The services of petitioners were permanently absorbed in HPSSSB w.e.f. 21.09.2002.

4. The petitioner was drawing pay scale of Rs.3330-6200 in the Department of Town & Country Planning as Steno-typist, however, her scale as Clerk in HPSSSB was reduced to Rs.3120 – 5160/-.

5. As per petitioner, she became entitled for the benefit of Assured Career Progression Scheme (for short “ACP Scheme”) on completion of 8 years of service in 2003. The petitioner claimed the benefit of her entire length of service with the Department of Town & Country Planning

as also the borrowing department for the purposes of completion of 8 years to get benefit under ACP Scheme.

6. The claim of the petitioner for grant of benefit of ACP Scheme after 8 years was rejected by the HPSSSB *vide* communication dated 31.12.2003.

7. The petitioner preferred O.A. No.198 of 2006 before the erstwhile H.P. State Administrative Tribunal with a prayer for grant of benefit under ACP Scheme after 8 years of service. On abolition of Tribunal, the Original Application was transferred to this Court as CWP(T) No.14452 of 2008. On 23.02.2011, the aforesaid petition was decided with direction to respondents to consider the case of the petitioner.

8. The petitioner submitted another representation dated 16.06.2011 to HPSSSB, however, it met with the same fate of rejection *vide* communication dated 10.08.2011. Hence, this petition.

9. I have heard learned counsel for the parties and have also gone through the records of the case carefully.

10. The petitioner claims benefit of ACP Scheme on completion of 8 years of service and her 8 years of service

includes about 4 years of service with the parent department i.e. Town & Country Planning as Steno-typist. In the borrowing department i.e. HPSSSB, the services of petitioner were taken over as Clerk.

11. Thus, the cadre of petitioner in the borrowing department had changed. The petitioner, who was drawing the pay scale of Rs.3330-6200/- in parent department was placed in the pay scale of Rs.3120-5160 in the borrowing department.

12. The petitioner had opted for deputation and absorption in the borrowing department voluntarily.

13. The claim of the petitioner has been denied on the ground that there was no post of Steno-typist in HPSSSB and the petitioner was serving the borrowing department as Clerk. Since the categories of Steno-typist and Clerks were not similar and were separate cadres, the services rendered by the petitioner as Steno-typist in her parent department could not be counted as Clerk for the purposes of determining the length of service for the grant of benefit of ACP Scheme. The services of the petitioner

were specifically absorbed in the borrowing department as Clerk.

14. As per the respondents, the benefit of ACP Scheme was available to only those employees, who completed 8 years in the same cadre. The respondents have further submitted that the representations made by the petitioners were examined by the Personnel and Finance Department, but she was not found entitled to the benefit of ACP Scheme.

15. The petitioner has placed reliance on Clause 7 of a communication dated 06.04.1990 issued by the Finance Department, whereby certain clarifications were provided with respect to grant of proficiency step-up. As per Clause 7 of the said communication, the entire services of an employee, who has served in the post or posts in the same cadre/different cadre the pay scale of which is/are the same/identical shall count for the grant of PROP because during this service he/she has not gained any enhancement in his basic pay.

16. The plain reading of aforesaid clarification reveals that though an employee having served different

cadres can be held entitled for the benefit of ACP Scheme provided the pay scale in both the cadres was same/identical. Since, in the case of petitioner, her pay scale as Steno-typist in the parent department and as Clerk in the borrowing department was different, the petitioner cannot derive any benefit from aforesaid clarification.

17. Lastly, the petitioner has made an attempt by placing reliance on a communication dated 07.03.1984 issued by the Ministry of Home Affairs, New Delhi addressed to all the Ministries/Departments of the Govt. of India providing clarification on criteria for determining analogous posts. Learned counsel for the petitioner placed reliance on Clause (i) of the said communication to contend that the scale of pay held by the petitioner as Steno-typist and Clerk was nothing but an extension of each other.

18. Again, the petitioner cannot derive any benefit from aforesaid communication for the reasons *firstly* that the clause relied upon by the petitioner was meant for the Union Government employees, *secondly*, it was one of the

various conditions required to declare analogous posts and, *thirdly*, for State Government employees the criteria for determining analogous posts was the nature of duties performed by the incumbent in the parent organization vis-à-vis those in the borrowing department. In the facts of this case, there is no data available nor placed on record by the petitioner to draw comparison with the nature of duties performed by her in the parent department as also in the borrowing department, the petitioner has made a bald assertion in the petition, which has specifically been denied by the respondents in their reply.

19. In light of above discussion, I find no merit in the instant petition and the same is accordingly dismissed.

20. The petition stands disposed of in above terms, so also the pending application(s), if any.

23rd July, 2025
(GR)

(Satyen Vaidya)
Judge