

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Writ Petition No.23108 of 2010
Date of Decision: May 21, 2015

Subhash Bhambhu

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Shailender Kashyap, Advocate,
for the petitioner.

Mr.Keshav Gupta, AAG, Haryana,
for the State.

AMIT RAWAL, J. (Oral)

The petitioner has approached this Court for issuance of a writ in the nature of mandamus directing the respondents to grant Assured Career Progression (ACP) Scale in the Pay Band-4 as the Executive Engineers, junior to the petitioner, have already been granted the same benefit w.e.f. 1.9.2009.

The petitioner is stated to have joined the department on 30.3.1988 as Sub Divisional Engineer and was promoted to the post of Executive Engineer in the year 2005. The case of the petitioner is that he became eligible for grant of ACP on the date of implementation of the ACP Rules, 2008. It has further been stated that the benefit of ACP Scale in the

Pay Band-4 cannot not be denied to the petitioner as the same has been given to his juniors w.e.f. 1.9.2009.

Mr.Shailender Kashyap, learned counsel appearing for the petitioner submits that on the date, i.e., 1.9.2009 when the juniors were granted the ACP Scale, the petitioner was also eligible and de hors of the fact that he had been served with a charge sheet on 9.4.2009. Since the charge sheet does not amount to any punishment, the petitioner could not have been denied any ACP. He also submits that the punishment of stoppage of one annual increment has been imposed without holding any enquiry.

Mr.Keshav Gupta, learned Assistant Advocate General, Haryana appearing for the State submits that the charge sheet was served on 9.4.2009 and the punishment of stoppage of one annual increment had been imposed on 10.11.2009 and after the expiry of the period, the petitioner has rightly been granted the ACP Scale on 1.7.2011. Thus, the petitioner is estopped from raising such claim/plea.

I have heard the learned counsel for the parties and appraised the paper book.

The fact remains that the punishment of imposition of one annual increment is not a grave and, therefore, the dispensation of the enquiry by the authorities is justified. It is settled law that in case of minor punishment where the charge sheet has been issued, the punishing authority after considering the show cause notice can impose minor punishment of stoppage of one increment without cumulative effect without holding an enquiry. In order to lend support to the aforementioned findings, I intend to

refer the judgment of the Hon'ble Supreme Court rendered in **D.H.B.V.N.L.Vidyut Nagar, Hisar & others Versus Yashvir Singh Gulia, 2013(4) S.C.T. 124.**

In the instant case, on expiry of the period of punishment on 9.11.2010, the petitioner has immediately been granted the ACP on 1.7.2011, but in the State of Haryana ACP is granted in the month of July. Thus, the petitioner is not entitled to the grant of ACP Scale from 1.9.2009 when his juniors have been granted the ACP Scale.

In view of what has been observed above, there is no merit in the writ petition and, thus, the same is dismissed.

May 21, 2015
ramesh

(AMIT RAWAL)
JUDGE