

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

**CWP No. 19630 of 2015(O&M)
Date of decision: October 09,2015**

Smt. Balbir Kaur

...Petitioner

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Umesh Narang, Advocate
for the petitioner.

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HARINDER SINGH SIDHU, J.

CM 13450-CWP 2015

Miscellaneous application is allowed.

Additional affidavit of the petitioner is taken on
record.

CWP 19630 of 2015

The grievance of the petitioner is that benefit of Ist ACP grade as per Haryana Civil Services (Assured Career Progression) Rules, 1998, which was permissible to her husband Manmohan Singh, who retired on 30.11.2000 from the post of JE(F) and expired on 31.07.2002, has not been granted to him.

For claiming the aforesaid relief, legal notice dated 22.07.2013(AnnexureP-3)has been served by the petitioner on respondent but no action has been taken so far.

In response to an earlier legal notice, the matter was sent to respondent No.3 by the Executive Engineer 'OP' Divn. DHVBN, Fatehabad (Annexure P-5) who verified the service particulars of late husband of the petitioner and also certified that there was no charge sheet/ SCN/enquiry pending against the husband of the petitioner.

Learned counsel for the petitioner states that despite no objection to the grant of said ACP having been pointed out, no final decision has been taken. He states that at this stage he would be satisfied if a direction is issued to respondent No.3 to take a decision on the legal notice (Annexure P-3) with regard to release of said ACP in favour of the husband of the petitioner.

Accordingly, without commenting on the merits of the case, the present writ petition is disposed of with a direction to respondent No.3 to consider and take a decision on the legal notice dated 22.7.2013 (Annexure P-3) with regard to grant of ACP grade, expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order. If any amount is found payable in favour of the petitioner, the same be released within a period of two months thereafter.

The respondents would be at liberty to restrict the payment of arrears to a period of three years preceding the date of legal notice i.e. 27.7.2013.

(Harinder Singh Sidhu)
Judge

09.10.2015
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