

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

LPA No. 1893 of 2014 (O&M)
DATE OF DECISION : 20.04.2015

Kailash Chander Mittal

.... APPELLANT

Versus

State of Haryana and another

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Sandeep K. Sharma, Advocate, for the appellant.

SATISH KUMAR MITTAL, J. (Oral)

The instant intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 20.05.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 9005 of 2013) filed by the appellant seeking direction to the respondents to grant him revised ACP scale of ₹ 10,000-13,900 with effect from the date of his eligibility, i.e. 28.11.2001, in terms of the Haryana Civil Services (Assured Career Progression) Rules, 1998; and also to grant him revised ACP pay structure of ₹ 15,600-39,100 with grade pay of ₹ 6,000/- with effect from 01.01.2006, in accordance with the Haryana Civil Services (Assured Career Progression) Rules, 2008, has been dismissed, while observing that the appellant is not eligible and entitled to the said revised ACP scale, as he was promoted to the post of Sub Divisional Engineer (Mechanical) as a stop-gap arrangement against the post meant for direct recruitment.

Though there is delay of 23 days in re-filing and 65 days in filing the instant appeal and the appellant has filed applications (CM Nos. 3994-95-LPA of 2014) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the order passed by the learned Single Judge.

During the course of arguments, learned counsel for the appellant has not controverted the factual position that promotion of the appellant to the post of Sub Divisional Engineer (Mechanical) was a stop-gap arrangement against the direct quota post, as at that time no quota post for promotees was available. It has also not been disputed that if the period, during which the appellant served on the aforesaid post, is excluded, then he is not entitled for the ACP scale.

In view of the aforesaid admitted factual position, the learned Single Judge has rightly rejected the claim of the appellant on the aforesaid ground. Thus, we do not find any illegality in the impugned order passed by the learned Single Judge, or violation of any provision of the statutory Rules in the instant case.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

April 20, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE