

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

CWP No.11677 of 2014

Date of decision: January 07, 2016

Ram Chander Babbar and another

...Petitioners

versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioners.

Mr. Samarveer Singh, DAG, Haryana,
for respondent No. 1.

Mr. P.S. Poonia, Advocate,
for respondent Nos.2 to 4.

RITU BAHRI, J.

The petitioners are seeking direction to the respondents to give them the benefit of 2nd modified ACP Scale w.e.f. 01.01.1996 and thereafter, re-fix their pension.

Petitioners are retired employees of the respondent-Uttari Haryana Bijli Vitran Nigam. Ram Chander Babbar-petitioner No.1 retired on 31.05.2001, whereas Bachhan Singh Verma-petitioner No.2 retired on 28.02.2003. On the basis of 5th Pay Commission Report, benefit of Ist and IInd ACP was given on completion of 10 and 20 years of satisfactory service. Vide Order No.8/Finance dated 20.02.2004 (Annexure P-1), the State Government had modified the scale of 1st and 2nd ACP. While modifying the ACP scale, a condition was imposed that only notional fixation of pay for the period from 01.01.1996 to 31.03.2004 would be done and the employees

would give an undertaking not to claim arrears on account of notional fixation of pay. Thereafter, a Division Bench of this Court in T.C. Gupta Vs. The State of Haryana and others, CWP No.6349 of 2006 (decided on 07.02.2008) granted the benefit of modified ACP Scale by fixing notional salary w.e.f. 01.01.1996. Against this order, the respondent-corporation had preferred Special Leave Petition (Civil) No.18891 of 2008 before the Hon'ble Supreme Court, which was dismissed vide order dated 18.08.2008 (Annexure P-5).

Learned counsel for respondent Nos.2 to 4 does not dispute that case of the petitioners is squarely covered by the judgment/order dated 07.02.2008 passed by the Division Bench of this Court in CWP No.6349 of 2006.

Accordingly, this petition is disposed of in terms of the judgment passed by a Division Bench of this Court in T.C. Gupta's case (supra), which has been upheld by the Hon'ble Supreme Court.

(RITU BAHRI)
JUDGE

January 07, 2016.
ajp