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

203

**Civil Writ Petition No.23723 of 2012
Date of decision: May 25, 2016**

Parkash

....Petitioner

versus

Haryana State Federation of Cooperative Sugar Mills Ltd. and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Surinder S. Kaliramna, Advocate
for the petitioner.

Mr. Varun Gupta, Advocate
for the respondents.

RITU BAHRI, J. (Oral)

The petitioner is seeking quashing of order dated 28.08.2012 (Annexure P-3) vide which the designation of the petitioner has been changed from Juice Supervisor to Share Clerk w.e.f. 25.08.1994.

Notice of motion was issued on 03.12.2012 and in response thereto, written statement on behalf of the respondents has been filed which is already on record. Alongwith written statement, the respondents have placed on record (Annexure R-1) whereby the petitioner has made a request that he had been working as Juice

Supervisor since 12.02.1985 and on account of surgery in his throat, he could not work inside the factory and his duty be transferred to the administrative block as a Clerk. Pursuant to the request made by the petitioner (Annexure R-1), the cadre of the petitioner was changed from Juice Supervisor (seasonal permanent) to Share Clerk (regular permanent) vide order dated 25.08.1994 (Annexure P-2).

The grievance of the petitioner is that while granting ACP scales, his service as Juice Supervisor seasonal employee w.e.f. 12.02.1985 to 25.08.1994 has not been taken into consideration. The stand taken by the respondents in the written statement is that the petitioner after being appointed as Clerk on 25.08.1994, his cadre was changed and accordingly, he was eligible for 1st ACP Scales in the year 2004 and for 2nd ACP Scale in the year 2014.

Learned counsel for the petitioner has placed on record a clarification regarding implementation of ACP Rules, 2008 issued by Haryana State Federation of Cooperative Sugar Mills Ltd. on 28.08.2009. As per this clarification, the grant of ACP scale towards seasonal permanent employees is to be dealt at par with permanent regular employees.

Counsel for the respondent, on instructions from Suraj Bhan, Superintendent, does not dispute the aforesaid clarification issued by Haryana State Federation of Co-operative Sugar Mills and the same goes in favour of the petitioner.

A perusal of order dated 28.08.2012 (Annexure P-3) shows that the aforesaid instructions have not been taken into consideration while granting 1st ACP Scale to the petitioner in the year 2004 and in the year 2014.

Therefore, the present petition is allowed and impugned order dated 28.08.2012 (Annexure P-3) is set aside and the respondents are directed to pass fresh order within a period of three months from the date of receipt of copy of this order after taking into account the clarification regarding implementation of ACP Rules dated 28.08.2009 by taking the service of the petitioner as permanent Juice Supervisor seasonal w.e.f. 12.02.1985. The compliance report be also sent to this Court.

May 25, 2016

sonia gugnani

**(RITU BAHRI)
JUDGE**