

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

CWP No.2188 of 2013

Date of decision: 01.06.2016

Krishan Lal

...Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Ltd. & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Naveen Daryal, Advocate,
for the petitioner.

Mr. Gaurav Mohunta, Advocate,
for the respondents.

RITU BAHRI, J.

The petitioner is seeking direction to the respondents to grant him the benefit of 2nd ACP w.e.f 01.01.2006 after completion of 20 years of service in the department as per the Assured Career Progression Scheme, 1998 and revised pensionary benefits.

A Division Bench of this Court in **Prem Paul and others Vs. The Managing Director, Uttar Haryana Bliji Vitran Nigam and others,** CWP No.14580 of 2006 decided on 07.05.2008) has considered the issue of grant of 2nd ACP as per modified notification dated 20.02.2004. Vide this modification, it was decided that on account of notional fixation of pay, benefit of 2nd ACP scales has to be given w.e.f. 01.01.1996. However, the employees were to be given cash benefit w.e.f. 01.04.2004. The petitioners, in that case, had retired prior to 2004 and they were held entitled to fixation of notional pay. After giving benefit of notional fixation of pay, they were held entitled to revised pension from the date of retirement.

In the present case, the petitioner was appointed as ALM on 06.01.1971 and was promoted as Lineman on 22.08.1980. Ultimately, he retired from service as a Foreman w.e.f. 30.11.2004 after attaining the age of superannuation. Now, the petitioner is seeking the benefit of modified 2nd ACP scale.

Along with their written statement, the respondents have placed on record an order dated 15.07.2004 (Annexure R-1), whereby the petitioner has been granted the benefit of 2nd ACP scale of Rs.5450-8000 w.e.f. 01.01.1996.

Grievance of the petitioner is that despite the aforesaid recommendation made vide (Annexure R-1), the said benefit has not been extended to the petitioner.

In view of the judgment passed by the Division Bench of this Court in **Prem Paul's** case (supra), this petition is disposed of by giving direction to the respondents to grant the benefit of 2nd ACP scale to the petitioner w.e.f. 01.01.1996 notionally and the actual benefits be given from the date of his retirement i.e. 30.11.2004.

01.06.2016
ajp

(RITU BAHRI)
JUDGE