

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 24313 of 2013
Date of Decision:- 19.02.2016

Hans Raj

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Gurinder Pal Singh, Advocate, for the petitioner.

Mr. Keshav Gupta, Assistant Advocate General, Haryana.

RITU BAHRI, J. (Oral)

The petitioner is seeking writ of certiorari for setting aside the impugned order dated 25.03.2013 (Annexure P-4) and directions to the extent that the ACP should be granted to him w.e.f. 01.01.1996 or in the alternative w.e.f. 15.12.2002 in accordance with Haryana Civil Services (Assured Career Progression) Rules, 1998.

The facts not in dispute between the parties are that the petitioner was initially appointed as a Field Man on 22.03.1974 and he was promoted as Clerk on 01.08.1995. Subsequently, the petitioner came to know that the person junior to him stood promoted w.e.f. 15.12.1992. Thereafter, on representation made by him, he was given deemed date of promotion to the post of Clerk w.e.f. 15.12.1992, vide order dated 15.04.2009 (Annexure P-1). In pursuant to the said order, the petitioner was granted ACP scales as per notification (Annexures P-2 & P-3).

However, while passing order dated 25.03.2013 (Annexure P-4) the petitioner had been granted ACP w.e.f. 01.02.2005 as per the chart given, taking his date of appointment as 22.03.1974 as a Group D post. His date of promotion to the post of Clerk has been taken as 15.12.1992, in pursuant to the order dated 25.03.2013 (Annexure P-4). However, for the purpose of granting the date of ACP, the date had been wrongly taken as 01.02.2005 instead of 15.12.2002.

Learned counsel for the respondent in the written statement does not dispute that as per promotion order (Annexure P-1) the deemed date of promotion has been given to the petitioner at par with his junior. Explanation has been given in the written statement that after being promoted as a Clerk 1995, the pay of the petitioner was stepped up at par with his junior Partap Singh, clerk, w.e.f. 01.02.2005, vide order dated 09.03.2010. Partap Singh was granted 1st ACP on 01.02.2005. The petitioner has been further promoted as Accountant on 14.12.2011.

The claim of the petitioner in the writ petition is only restricted to the grant of 1st ACP, which after the order (Annexure P-1) should have been granted to him w.e.f. 15.12.2002 and not from the date when Partap Singh was granted ACP i.e. 01.02.2005. This mistake requires to be corrected.

Accordingly, the present writ petition is allowed. The impugned order dated 25.03.2013 (Annexure P-4) is set aside and directions are issued to the respondent(s)-department to grant the benefit of ACP to the petitioner w.e.f. 15.12.2002.

February 19, 2016

(RITU BAHRI)
JUDGE