

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

***CWP No.24640 of 2013 (O&M)
Date of decision : 26.07.2016***

Suraj Parkash & others

... Petitioners

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Dhiraj Chawla, Advocate for the petitioners.

Mr. Ravi Pratap Singh, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Petitioners who are 7 in number and are serving as Water Pump Operators-II/Plumber-II under the Department of Public Health Engineering, State of Haryana have filed the instant petition assailing the order dated 28.09.2012 at Annexure P-5 whereby their claim for stepping up of their pay at par with their juniors has been rejected.

Counsel for the parties have been heard at length and the pleadings on record have been perused.

Certain facts which are not in dispute may be noticed. The petitioners came to be appointed as Water Pump Operators-II/Plumber-II on various dates between the years 1983-85. Their services thereafter were regularized w.e.f. 01.04.1993. The employees whom the petitioners claim to be their juniors gained entry into service on different posts i.e. Beldars, Malis, Chowkidars, etc. and thereafter were promoted as Water Pump Operators-II.

During the course of arguments, it stands conceded by Mr.

Dhiraj Chawla, learned counsel for the petitioner that each one of such

alleged juniors were regularized on the post of Water Pump Operators-II prior in point of time to the petitioners. No challenge has been laid by the petitioners to the action of the State in having granted the benefit of regularization to such juniors prior in point.

The disparity in pay scale concededly had occurred on account of such persons having been granted the benefit of Assured Career Progression Scheme prior in point of time.

It is by now well settled that the benefit under the ACP Scheme/Policy is admissible only in relation to a certain span of service having been rendered on a regular basis and such employees having not been promoted in spite of being eligible and possessing satisfactory service record. The objective of grant of benefit under the ACP Scheme is to alleviate stagnation.

Counsel appearing for the petitioners has not been able to controvert the factual position that the persons with whom they are seeking parity had completed “regular satisfactory service” prior in point of time to the petitioners and as such had rightfully been granted benefit of ACP earlier.

The present petitioners whose services were regularized w.e.f. 01.04.1993 were granted the benefit of ACP as per turn and eligibility under the ACP Scheme.

Under such circumstances, the claim of the petitioners seeking pay parity and removal of anomaly in relation to employees who otherwise had been regularized in service prior in point of time and consequently had been granted benefit of ACP also prior to the petitioners cannot be accepted.

No infirmity as such is found in the impugned order dated

28.09.2012 at Annexure P-5.

Writ petition is dismissed.

26.07.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) Whether speaking/reasoned? | Yes |
| ii) Whether Reportable? | No |