

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

**CWP No.26604 of 2014 (O&M)
Date of decision : 11.07.2016**

Krishan Kumar and others

....Petitioners

Vs.

State Government of Haryana and others

....Respondents

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

Present: Mr. Eklavya Gupta, Advocate for the petitioners.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Pleadings in record would reveal that vide order dated 04.03.2014, at Annexure P-2, a modification insofar as the operation of Rule 7 of the Haryana Civil Services Rules (Assured Career Progression) Rules, 2008 has been carried out and in terms thereof the 1st, 2nd and 3rd ACP scales have been made applicable/admissible on completion of 8, 16 and 24 years of service, respectively, as opposed to the timeframe of 10, 20 and 30 years of service envisaged originally under Rule 7.

The present petition has been filed raising a grievance that the modification carried out in terms of order dated 04.03.2014 at Annexure P-2 has been made effective with effect from the date of order itself and not retrospectively.

Counsel appearing for the petitioners would contend that the order dated 04.03.2014 (Annexure P-2) is discriminatory and arbitrary inasmuch as it operates prospectively and thereby denies the financial benefits envisaged thereunder to such employees who already stand superannuated prior to 04.03.2014. Case of the petitioners is that each of them had retired prior to such date and if the order dated 04.03.2014

(Annexure P-2) is made to apply retrospectively then they would stand to gain by an upward revision of their pensionary benefits.

Having heard counsel for the petitioners as also for the State at length, this Court is of the considered view that there would be no basis that would warrant interference in the matter.

It is by now well settled that the Assured Career Progression Scheme was envisaged and implemented with the objective to alleviate stagnation by grant of financial incentive in the case of such employees who possess a good service record and in spite of having served on a particular post/cadre for a number of years and being eligible for promotion have not granted promotion for one reason or the other.

Suffice it to observe that while framing policies and taking decisions in such regard and while granting financial incentives of the nature of an Assured Career Progression Scheme, the State Government would be well within its rights to take into account the available financial resources and the financial impact which such a scheme would have. These are matters which fall within the purview of policy decision making. The Writ Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India would interfere in such matters only if it is demonstrated that the policy framed by the State Government or the decision taken in respect thereof is not *bonafide* or that it has been taken on account of certain other oblique consideration.

No cogent ground has been made out in the present petition that would warrant interference by this Court and for directions to be issued to the State Government for retrospective operation of an order dated 04.03.2014 (Annexure P-2) so as to make the financial incentives available

under an ACP Scheme to be given effect to retrospectively on completion of 8, 16 and 24 years of service.

It may be taken note of that the present petitioners during their service tenures had been considered for grant of ACP benefits under the scheme/rules that was applicable at the relevant point of time and which envisaged such financial incentives to be granted upon completion of 10, 20 and 30 years of service.

No ground for interference is made out.

Petition is dismissed.

11.07.2016

shubham

(TEJINDER SINGH DHINDSA)
JUDGE