

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

**CWP No.5242 of 2015 (O&M)
Date of Decision : 10.11.2016**

Harbans Lal

..... Petitioner

versus

UHBVNL and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

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

Mr. Mohnish Sharma, Advocate
for respondents No.1 to 4.

Anupinder Singh Grewal (Oral)

CM No.7419 of 2016

This is an application for placing on record written statement on behalf of respondents No.1 to 4 as well as Annexures R-3/1 and R-3/2.

Application is allowed.

Documents are taken on record.

Main case

The petitioner has impugned the order dated 09.10.2014 (Annexure P-4) whereby his representation for grant of 3rd pay scale in terms of Assured Career Progression (for short 'ACP') Scheme on completion of 30 years of service as Meter Reader has been rejected.

The petitioner was appointed as Bill Distributor on 26.10.1973.

He was promoted as Meter Reader on 14.11.1979. The petitioner was granted 3rd ACP scale vide order dated 18.08.2011 on completion of 30 years as Bill Distributor with grade pay of ₹3300/-.

Learned counsel for the petitioner has contended that the petitioner should have been granted the 3rd ACP scale on completion of 30 years as Meter Reader instead of Bill Distributor. In support of his submission, he has placed reliance on the judgment of Division Bench of this Court in the case of **Ramesh Dahiya Vs. Uttar Haryana Bijli Vitran Nigam Limited** reported as 2008(2) SCT 624.

Per contra, learned counsel for the respondents has contended that as the petitioner had already got one promotion as Meter Reader in the year 1979 and hence the period of service of the petitioner as Bill Distributor has been taken into account for grant of 3rd ACP scale after 30 years of service.

I have heard learned counsel for the parties and perused the petition.

The petitioner had been appointed as Bill Distributor in the year 1973. The petitioner was regularly promoted as Meter Reader w.e.f. 14.11.1979. The intent and purpose of the ACP scale is to avoid stagnation in service of the employees who are denied promotional avenues. After the petitioner had been promoted as Meter Reader on 14.11.1979, he had continued to remain on this post till 14.11.2009. The petitioner should have been granted the 3rd ACP scale on the post of Meter Reader as he had completed 30 years of service on that post in the year 2009. I draw support from the judgment of the Division Bench of this Court in the case of **Ramesh**

Dahiya Vs. Uttar Haryana Bijli Vitran Nigam Limited (supra) wherein the petitioner therein had joined service as Junior Draftsman in 1980 and was promoted as Draftsman on 12.04.1983. It was held by the Division Bench that as the petitioner had remained posted on the post of Draftsman for more than 10 years he was entitled to the ACP scale by counting his service as Draftsman and not as Junior Draftsman.

Therefore, the petition is allowed and the impugned order dated 09.10.2014 is set aside. The petitioner would be entitled to the 3rd ACP scale on completion of 30 years of service as Meter Reader w.e.f. 14.11.2009. The consequential benefits shall be disbursed to the petitioner within a period of six months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

November 10, 2016
jt

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No