

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

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**CWP-18286-2013 (O&M)
Date of decision: 14.02.2017**

Dilbag Singh

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Ram Niwas Sharma, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Devanshu Sobti, Advocate for
Mr. Dhiraj Chawla, Advocate for respondent No.4.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of the order dated 10.10.2012 vide Annexure P5 by which 4th respondent and one Sh. Jaibir Singh have been extended the benefit of special/additional ACP grade pay in the pay band-I, 5200-20200 with grade pay of 4000 with reference to Annexure P1 order dated 19/20.10.2011. The petitioner further sought for a direction to the respondents to extend the benefits of Annexure P1 to him.

2. Learned counsel for the petitioner submitted that petitioner was appointed as a Jeep Driver on 14.06.1978. His services were regularized w.e.f. 01.01.1987. Learned counsel for the petitioner further submits that

the petitioner is working as a Jeep Driver therefore, Annexure P1 extending the benefit of special/additional ACP pay scale is limited only to Jeep driver and Car Drivers and not to the other drivers like Truck drivers etc. Further it was argued that 4th respondent is a truck driver he is not entitled for benefit under Annexure P1. Therefore, extending benefit to Chet Ram-respondent No.4 is illegal. Hence, Annexure P5 is liable to be set aside insofar as Chet Ram-4th respondent is concerned and petitioner is eligible for benefit under Annexure P-1.

3. On the other hand, learned counsel for the respondents submitted that even though the petitioner was appointed as a Jeep Driver initially but subsequently, he was posted as a truck Driver. Consequently, he is not entitled for the benefit of Annexure P1. It was further argued that Annexure P1 is restricted to extend the benefit of special/additional ACP grade pay to such of the drivers who have completed 24 years of regular satisfactory service and it is limited to 20% of the cadre posts of Drivers. The petitioner do not fall within 20% cadres of the posts of Drivers. Only Jaibir Singh and Chem Ram-respondent No.4 would fall under 20% cadre posts drivers. Hence, the petitioner has not made out a case.

4. Heard learned counsel for the parties.

5. Crux of the matter is whether the petitioner is entitled for benefit under Annexure P1 i.e. extending benefits of special/additional ACP grade pay having completed 24 years of regular satisfactory service or not. Admittedly, 4th respondent and Jasbir Singh are seniors to the petitioner as is evident from Annexure P4-tentative seniority list. Having regard to the

percentage fixed for the purpose of extending benefits of special/Additional ACP Grade pay to the extent of 20% cadre posts of the Drivers, the petitioner do not fall within the 20% cadre posts of drivers. Therefore, the petitioner has not made out a case so as to interfere with Annexure P5 and further he is not entitled for additional pay benefit under Annexure P1.

6. Accordingly, petition stands dismissed.

14.02.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No