

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

CWP No.12104 of 2017 (O&M)

Date of Decision: 25.09.2017

Manoj Kumar and others

....Petitioners

vs.

State of Punjab and others

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. G.S. Chahal, Advocate
for the petitioners.

TEJINDER SINGH DHINDSA, J. (Oral)

CM No.9879 of 2017

Application is allowed, as prayed for.

Copies of letters dated 04.05.2017 & 30.05.2017 are
taken on record at Annexures P-8 & P-9 respectively.

CM disposed of.

Main Case

Petitioners, who are twenty eight in number, have
approached this Court by filing the instant petition under Articles
226/227 of the Constitution of India, praying for the issuance of writ
in the nature of mandamus, directing the respondents to grant to
them the benefit of Assured Career Progression Scheme (ACP
Scheme) as formulated vide Policy Circular dated 03.11.2006
(Annexure P-3).

Petitioners are serving on different posts under the Irrigation Department, State of Punjab. It may be noticed that petitioner Nos.5, 6, 22, 23, 26 & 27 already stand superannuated.

It is the contention raised by counsel that relief sought by the petitioners in the instant petition was specifically denied by the State Government in the light of an order dated 29.04.2010 issued by the Secretary, Department of Personnel. Similarly situated employees, at that stage, approached this Court by filing CWP No.16446 of 2010 and which was decided by a Co-ordinate Bench of this Court, in the light of judgment dated 20.05.2013 (Annexure P-6) and whereby order dated 29.04.2010, issued by the State Government was set aside and the requisite relief was granted. It is also the contention raised by counsel that judgment passed by the learned Single Judge in CWP No.16446 of 2010 has attained finality upto the Hon'ble Supreme Court.

Petitioners in a nut shell seek parity of treatment.

During the course of arguments, Mr. G.S. Chahal, learned counsel would submit that it has come to his knowledge that after filing of the instant petition, the Punjab Government, Finance Department (Finance Personnel -II Branch) has issued an advisory to grant the necessary relief to the petitioners in CWP No.16446 of 2010 (Jaswinder Singh Bedi & others vs. State of Punjab and others) and so far as the claim of release of benefits to similarly situated employees, it has been advised that "*Administrative*

Department shall not take any action in such regard as of now.”

In the light of such development, Mr. Chahal seeks withdrawal of the petition so as to pursue the matter with the State Government.

Prayer is allowed.

The instant writ petition is disposed of as withdrawn at this stage.

It is however made clear that it would be open for the petitioners to approach this Court afresh in the eventuality of any order passed by the State Government and which may be construed to be to the prejudice and detriment of the petitioners.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.09.2017
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***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**