

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Lalji		CWP-2142-2015 (O&M) Date of decision: 02.02.2017Petitioner
	versus	
State of Punjab and others		Respondents
CWP-4519-2015 (O&M)		
Gopal Singh		Petitioner
	versus	
State of Punjab and others		Respondents
CWP-4532-2015 (O&M)		
Shambhu Dutt		Petitioner
	versus	
State of Punjab and others		Respondents
CWP-4533-2015 (O&M)		
Sucha Singh		Petitioner
	versus	
State of Punjab and others		Respondents
CWP-4766-2015 (O&M)		
Gurbax Singh		Petitioner
	versus	
State of Punjab and others		Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rajesh K. Dadwal, Advocate for the petitioner
in all the writ petitions
Mr.Nikhil Chopra, Addl.A.G. Punjab
Mr.Karan Mehra, Advocate for the respondent No.3
in CWP No.2142-2015
Mr.Vikas Suri, Advocate for the respondent No.3 in
CWP Nos.4519, 4532, 4533 and 4766-2015

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This order will dispose of in CWP No.2142-2015, CWP

Nos.4519, 4532, 4533 and 4766-2015, involving similar questions of law and facts. However, for facility of reference, facts are being taken from CWP No.2142-2015.

In all the five writ petitions, the petitioners who are retired employees of BBMB, Talwara, have claimed the benefit of grant of 4/9 and 14 years ACP scheme. In CWP No.2142-2015, the petitioner has also impugned the communication dated 25.4.2013 (Annexure P3), vide which, his request for grant of benefit of 4/9 and 14 years ACP scheme has been declined.

The short controversy in the present case is that the government issued a communication Annexure P1 with regard to removal of anomaly in the case of senior officers while fixing the pay under the Punjab Civil Services (Revised Pay) Rules, 2009. Though the letter dated 3.2.2010 addressed to all the heads of the departments but the endorsements Nos.1168-1223/4-E.G. Shows that it was endorsed only on 5.3.2010 to the various heads of the departments. Therefore, the same is to be taken at the date of issuance of the letter. Through the said letter, the government had given period of three months from the date of issuance of the letter to the concerned employee to submit option for 4/9 and 14 years ACP scheme. It also comes out that the letter was received by the Chairman, BBMB only on 24.4.2010 and came to the notice of the petitioners later on. However, all the petitioners have submitted the options from 3.5.2010 to 10.5.2010. In one case i.e. in CWP No.2142-2015, the said option has been rejected vide communication dated 25.4.2013, whereas, in the other cases, no order has been passed.

The short question arising for consideration before this Court is

as to whether the options submitted by the petitioners is within time given by the government or not?

I have heard learned counsel for the parties and have also carefully gone through the file.

Above noted facts makes it clear that the options were to be submitted within three months from the date of issuance of the letter and probably, the government has treated the date of issuance of letter as 3.2.2010, which is mentioned in the letter. However, the letter is deemed to have been issued when it was actually endorsed to all the departments. Such endorsement was made on 5.3.2010. Therefore, the period of three months will start from 5.3.2010. It being so, the option could be submitted by the employees for 4/9 and 14 years ACP scheme till 4.6.2010. In the present case, the options were submitted by the petitioners from 3.5.2010 to 10.5.2010 and therefore, the same are within time granted by the government.

In these circumstances, the present petitions are allowed and it is held that the options were validly exercised by the petitioners within time. Respondent Nos.1 and 2 are directed to take follow up action and pass necessary consequential orders within two months from the date of receipt of a certified copy of this order and thereafter, release the benefits as per scheme. In CWP No.2142-2015 impugned communication dated 25.4.2013 (Annexure P3) is hereby quashed.

A copy of the order be placed on the connected files.

02.02.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
Yes