

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17126 of 2017
DECIDED ON: August 03, 2017

SATVIR CHAND PANCHAL

.....PETITIONER..

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to allow 2nd and 3rd ACP Scales to the petitioner in compliance to Finance Department letter dated 29.08.2014 (P-5) on completion of 18 and 24 years of regular and satisfactory service with changed designation of Additional SDE and grade pay of ₹5400/- under improved pay structure/ACP pay structure and further to release the arrear of difference between payment to be made along with interest @ 18% p.a.

2. The contention of learned counsel for the petitioner is that the case of the petitioner was forwarded by respondent No.4 to respondent No.3 for the grant of ACP Scales after the completion of 18 and 24 years of regular and satisfactory service in view of the Finance Department letter dated 29.08.2014

(Annexure P-5) but till date no conscious decision has been taken by respondent No.3, despite the fact that a period of 3 years is going to expire. The petitioner was allowed voluntary retirement w.e.f. 31.05.2016 but the aforesaid benefit of ACP Scale has not been released/disbursed to the petitioner.

3. Accordingly, instant petition is disposed of with the direction to respondent No.3-Chief Engineer, Public Works, Panchayati Raj Deptt., Haryana, Panchayat Bhawan, Chandigarh to look into the grievances unfolded by the petitioner in his representation dated 20.09.2016 (Annexure P-9) and take a conscious decision in accordance with law, within a period of 3 months from the date of receipt of certified copy of this order. If respondent No.3 comes to the conclusion that petitioner is entitled to the relief claimed, to make the payment of difference of amount on account of grant of ACP Scales within next 45 days. As far as grant of interest on the delayed payment is concerned that may also be considered in view of the Full Bench judgment of this Court in ***“R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318.*** However, if the petitioner still feels aggrieved against the order passed by respondent No.3, he shall be at liberty to approach this Court.

August 03, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***