

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17743 of 2017

Date of Decision: August 10, 2017

Bharat Bhushan Sharma and others

....Petitioners

V/s.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioners who are twelve 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 them the benefit of Assured Career Progression Scheme (ACP Scheme) as formulated vide Policy Circular dated 03.11.2006 (Annexure P-3).

Petitioners herein have served on different posts under the Irrigation Department, State of Punjab. It may be noticed that petitioner Nos. 2 to 12 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 the 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The instant writ petition is disposed of as withdrawn at this stage.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 the prejudice and detrimental of the petitioners.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

August 10, 2017
Divyanshi

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