

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

**CWP No.24276 of 2015
Date of Decision:25.04.2017**

Dr. Sukhbir Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Devender Punia, Advocate for the petitioner.
Mr. R.K. Doon, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has sought for direction to the respondents to promote him to the post of Deputy Director (Animal Husbandary) w.e.f. 3.2.2009 the date on which juniors to the petitioner were promoted and further sought for direction to grant the benefit of revised 3rd ACP scale i.e. Rs.37400-67000-PB-4-8700 alongwith interest @ 18% per annum.

It is undisputed that the petitioner's name was overlooked for promotion to the post of Deputy Director (Animal Husbandary) on 3.2.2009 on the score that the petitioner was facing disciplinary proceedings. It was concluded in imposing the penalty of stoppage of two annual increments with cumulative effect. The petitioner has attained the age of superannuation and retired from service on 31.3.2013. Against the order of disciplinary authority dated 28.1.2013, the petitioner has preferred an appeal before His Excellency Governor. The petitioner's appeal was allowed by His Excellency Governor on 4.5.2015 while setting aside the order of disciplinary authority dated 28.1.2013.

In this background, whether the petitioner is entitled for promotion to the post of Deputy Director (Animal Husbandary) w.e.f.

3.2.2009 so also grant of 3rd ACP which is due to the petitioner or not?

No doubt it is true that the claim of the petitioner could not be considered for promotion to the post of Deputy Director (Animal Husbandary) as on 3.2.2009 so also grant of 3rd ACP for the reasons that the petitioner was facing disciplinary proceeding. It was concluded only on 4.5.2015 the date on which His Excellency Governor has set aside the order of penalty dated 28.1.2013. Therefore, concerned respondents were required to consider the petitioner's grievance of promotion to the post of Deputy Director (Animal Husbandary) so also grant of 3rd ACP. Till date the respondents have not taken any decision or passed speaking order relating to entitlement for promotion to the post of Deputy Director (Animal Husbandary) as well as grant of 3rd ACP.

Accordingly, concerned respondent is hereby directed to consider the petitioner's name for promotion to the post of Deputy Director (Animal Husbandary) w.e.f. 3.2.2009, if he is otherwise eligible and further consider to extend the benefit of 3rd ACP as and when it is due to the petitioner. If he is entitled to 3rd ACP in that event calculate difference of pay and release arrears of pay. Further the petitioner is entitled for arrears of salary from 3.2.2009 to 31.3.2013 the date on which the petitioner attained the age of superannuation and retired from service. The same shall be calculated and disburse. The above exercise shall be completed within a period of four months from today.

Petition stands disposed of accordingly.

25.04.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No