

CWP-3710-2014

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

**CWP-3710-2014
Date of Decision : 02.03.2017**

Lal Chand Petitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rakesh Nagpal, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner had claimed relief i.e to grant him one ACP scale. The petitioner was appointed on 05.07.1973 as a Cleaner and was promoted as a Driver on 04.07.1985. With effect from 01.01.1996 the Haryana Civil Services (Assured Career Progression Rule, 1998) came into force. The petitioner claims that as on 01.01.1996 he had worked as a Driver for more than 10 years and consequently he was entitled for the first ACP. In reply, the stand taken is that ACP was to be granted on the functional pay (as on 31.12.1995) of the post to which the person was originally recruited. On 01.01.1996 the pay of the petitioner was higher than the pay which would have been fixed under the ACP scale after taking into the consideration the pay of the original post on to which he was

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recruited as on 31.12.1995. This has been explained by stating that the first ACP scale of Cleaner is 2650-4000 but due to his promotion the petitioner was already drawing the pay scale of 4000-6000 with effect from 01.01.1996. In my opinion the argument of the State is correct. Consequently, prayer of the petitioner for grant of first ACP scale on the functional pay scale of a Driver cannot be granted.

Petition stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stand disposed of.

(**AJAY TEWARI**)
JUDGE

March 02, 2017
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No