

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

Sr. No.209

Civil Writ Petition No.5567 of 2013
DECIDED ON: August 10, 2017

DHARAMPAL

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Singal, Advocate,
for the petitioner.

Mr. Siddharth Sanwana, DAG, Haryana.

JASPAL SINGH, J. (ORAL)

By virtue of instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to grant Ist Assured Career Progression Scale (ACP scale) to the petitioner w.e.f. July 01, 2001 as per ACP Rules, 1998 (Annexure P-1) along with all consequential benefits that flows therefrom.

2. During the pendency of instant petition, the following order was passed by this Court on February 14, 2017:-

“The petitioner claims that on being appointed as Lab Attendant on 24.04.1985, he was granted pay scale of Rs. 950/- - Rs.1500/- w.e.f. 01.07.1981. It is stated that on account of ACP

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Rules, 1988, he was entitled to first ACP w.e.f. 01.07.2001 on completion 10 years of service. It comes out that the respondents have not passed any order regarding granting or refusing the first ACP.

In these circumstances, the respondents are directed to consider the case of the petitioner regarding grant of first ACP and after examining record, pass a speaking order either granting or refusing the first ACP to the petitioner so that the stand of the respondent-department become clear for consideration of the matter.

The necessary order be passed within two months from the date of receipt of certified copy of this order with an advance copy to the petitioner. On the next date of hearing the said speaking order should be filed on the case file also.

List on 02.05.2017.”

3. In compliance of aforesaid order, respondents have considered the case of the petitioner for grant of ACP (under Assured Career Progression) Rules, 1998 (Annexure P-1) but same stood declined vide order dated April 26, 2017 (Annexure R-I).

4. In view of passing of a fresh order dated April 26, 2017, petitioner realized that instant petition would not serve the purpose and he will have to challenge the aforesaid order.

5. In the above referred circumstances, learned counsel for the petitioner showed his intention to withdraw the instant petition with liberty to file a fresh one to challenge the order dated April 26, 2017 (Annexure R-I).

6. Dismissed as withdrawn with aforesaid liberty.

August 10, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**