IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10178 OF 2015
DECIDED ON: MARCH 13, 2018

PARMOD SHARMA **.....PETITIONER**

VERSUS

STATE OF PUNJAB AND ANOTHER **.....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajinder Sharma, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab.

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JASPAL SINGH, J

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release retiral benefits along with interest @ 12% per annum w.e.f. 27.02.2015. AND FURTHER directing the respondents to sanction time scale after completion of 14 years of service i.e. w.e.f. 31.12.2012, under ACP Scheme and to release the consequential benefits.

2. It has been fairly conceded by learned counsel for the petitioner that as far as the relief with regard to the grant of provisional pension (100%) is concerned, the same stands released on conclusion of inquiry proceedings pending against the petitioner vide order dated 05.09.2016 (Annexure P-9). Thus, the relief in this regard has rendered infructuous.

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3. As regard the another relief with regard to the grant of benefit of ACP Scale on completion of 14 years of service is concerned, the petitioner has already moved representation dated 20.11.2014 (Annexure P-6) as well as another representation dated 16.03.2015 (Annexure P-8) to the respondents but till date no final decision has been taken thereon by the respondents.

4. Learned counsel for the petitioner submits that petitioner feels satisfied, in case, direction is issued to respondents to consider the representations dated 20.11.2014 and 16.03.2015 (Annexures P-6 & P-8 respectively), within some prescribed period.

5. In the light of facts and circumstances narrated above, the instant petition with regard to grant of provisional pension has rendered infructuous and is disposed of accordingly. As far as grant of ACP scale is concerned, the respondents are directed to consider the representations moved by the petitioner (Annexures P-6 and P-8), within a period of three months from the date of receipt of certified copy of this order. In case, the concerned authority comes to the conclusion that petitioner is entitled to ACP scale, to calculate the arrears and make the payment thereof within next two months.

6. However, if the petitioner still feels dissatisfied against the order passed by the concerned authority, he shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

MARCH 13, 2018 **(JASPAL SINGH)**
sonika **JUDGE**

Whether speaking/reasoned Yes
Whether reportable Yes/No

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