

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.14936 of 2014

Date of Decision: 16.07.2018

Surinder Kumar Suri

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- None for the petitioner.

Mr.Gaurav Jindal, Addl.A.G.Haryana.

RITU BAHRI, J. (ORAL)

Petitioner is seeking quashing of the order dated 02.09.2011(Annexure P-4) passed by the respondent No.3 whereby the claim of the petitioner for grant of benefit of 3rd ACP scale to him has been ordered to be rejected and further seeking directions to the respondents to grant the benefit of 3rd ACP scale to the petitioner after completion of 30 years of service.

The brief facts of the case are that petitioner had joined his service in Municipal Committee, Ambala Sadar on the post of Oilman on 08.12.1972. Thereafter, he was posted as Clerk on 11.07.1975. However, after serving the department for a period of approximately 40 years, he was retired from the services as Clerk on 31.07.2012. After his promotion on the post of Clerk, petitioner was granted the benefit of 1st ACP Scale on 01.01.1994. The benefit of 2nd ACP scale was granted to the petitioner on completion of 20 years on same post w.e.f. 01.01.1996. vide impugned order

(Annexure P-4), the case of 3rd ACP has been rejected as per the rule 11(1)(c) of Haryana Civil Service (ACP) Rules 2008 notified vide F.D.Haryana No.GSR/Const./Art 309/08 dated 30.12.2008.

On notice, written statement has been filed and it is reiterated that the case of the petitioner is not maintainable in the present form nor he has locus standi to file the present writ petition on the false and frivolous grounds against the provisions of the Government of Haryana in Rule II(1)(C) of the ACP Rules 2008 in which it is clearly mentioned that the authority competent shall ensure that the number of financial upgradations granted to the Government servant is counted with reference to the pay scale or pay structure of the post to which the Government servant was induced as a direct recruit first entrant. For this purpose, each promotion, each grant of ACP Grade pay or any other upgradation will be counted as one upgradation. The benefit of ACP will be counted as one upgradation. The benefit of ACP shall not be extent to a Government servant if he has already availed three financial upgradations in this carrier by way of ACP or otherwise.

In the present case petitioner was appointed as Oilman on 08.12.1972 in Class IV in the pay scale of Rs.70-95 and thereafter he was promoted as Clerk on 13.06.1980 in class III, in the pay scale of Rs.400-600 and thus after promotion he was got first ACP scale in the pay scale of Rs.5000-7850 was given to the petitioner on completion of 20 years on the same post of clerk w.e.f. 01.01.1996. So, the petitioner is only entitled for three financial upgradations including benefits of promotion which he had already availed during his service i.e. one at the time of financial

granted as first ACT and second ACP respectively. As such petitioner is not entitled for the financial upgradation as claimed in the present writ petition.

In view of the above, present writ petition is dismissed being devoid of merits.

(RITU BAHRI)
JUDGE

16.07.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No