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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15065 of 2016
DECIDED ON: MARCH 19, 2018

TIRATH RAM

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ajay Pal Singh Saini, Advocate
for the petitioner.

Ms. Sunnit Kaur, AAG, Punjab.

Ms. Amandeep Sibia, Advocate
for respondent No.2.

JASPAL SINGH, J (ORAL)

Challenge in this petition is to the order dated April 22, 2016 (P-7), whereby, the claim of the petitioner for the release of arrears and benefits of the Assured Career Progression Scheme (for short 'ACP Scheme) after completion of 9 years of service, was declined.

2. In response to notice of motion issued by this Court, respondents have filed their separate written statements. Preliminary submission made by respondent No.2 in its written statement clinches the controversy involved in this petition and it would be relevant to re-produced the same. It reads as under:

“That the service record of the petitioner has been re-examined by the department and it has been found that he is entitled for the benefit of 9 years under Scheme of ACP 4-9-14, as the proposal on the basis of letter received from Commissioner, Municipal Corporation, Bathinda was forwarded to the government and

accordingly, the government has approved the proposal vide Endst.No. 4/112/2015-2LG1/2146, dated 16.10.2017 to extend the benefit of 9 years ACP benefit.”

3. A glance at the afore-said preliminary submission transpires that the respondents have already re-considered the case of the petitioner for the grant of ACP benefit on completion of 9 years of service and have found that the petitioner is entitled thereto. Accordingly, government has approved the proposal vide Endst. No. 4/112/2015-2LG1/2146, dated 16.10.2017 for extending the benefit of 9 years ACP. However, it has been emerged during the course of arguments till date, the pecuniary benefits accrued to the petitioner on account of grant of afore-said ACP benefit on completion of 9 years of service has not so far been released/disbursed to the petitioner and the petitioner feels satisfied in case a direction is issued to respondents in this regard to grant/release the afore-said pecuniary benefits within some specified period.

4. In the light of afore-said facts and circumstances narrated above, instant petition is allowed and impugned order dated April 22, 2016 (P-7) is quashed. However, respondents No.2 and 3 are directed to calculate and release the pecuniary benefits accrued to the petitioner on account of grant of ACP benefit on completion of 9 years of service within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance of afore-said directions, petitioner shall be at liberty to have recourse to other remedies available under law, including to approach this Court.

MARCH 19, 2018
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*