

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

CWP No. 1222 of 2018

Date of Decision: 03.04.2018

Dharamabir Singh

...Petitioner

Vs.

Chaudhary Charan Singh Hry. Agricultural University and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

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

RAJIV NARAIN RAINA, J. (Oral)

The petitioner has approached this Court for stepping up of his pay at par with their juniors for purposes of grant of benefit of Assured Career Progression Scheme. By the length of service, the juniors have been granted their ACP scales on completion of requisite period of service. The petitioner is a direct recruit, after the persons he claims against were appointed and had served for many years before the petitioner was appointed to service. His claim in this petition under Article 226 is for stepping up of his pay on par with Sadhu Singh, who was granted 2nd ACP. Even though the petitioner has not put in requisite length of service for the 2nd ACP, the normal rule is that no persons senior should receive salary less than the juniors. The case falls in the exception based on length of service and earning of annual grade increments which have led to increase of pay of persons like Sadhu Singh.

There can be no comparison between the two set of employees in the matter of ACP benefit, and, therefore the prayer for stepping up of pay with that of Sadhu Singh etc. is not legally tenable. Learned counsel for the petitioner places reliance on the judgment in Kamal Chand Bhardwaj Vs. Union of India and others, CWP No. 14872-CAT-2003 decided on 26.04.2011 by the Division Bench of this Court which is of no assistance to the petitioner as that judgment is based on the general rule that normally a senior would not be granted pay and other monetary benefits less than the junior.

There is no merit in the petition and is accordingly dismissed.

(RAJIV NARAIN RAINA)
JUDGE

03.04.2018
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*