

Sr.No.1222
IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CWP NO.20519 OF 2015(O&M)
Date of Decision: 06.02.2018

Kamal Kumar GadiPetitioner

versus

Central Administrative Tribunal, Chandigarh and othersRespondents

CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present Petitioner in person.
Mr.R.S.Longia, Advocate Sr.Panel counsel for respondent-UIO.

MAHESH GROVER, J(ORAL)

This writ petition has been filed by the petitioner seeking intervention in the order dated 06.08.2015 (Annexure P-6) of the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, which has negated his claim for grant of second ACP after completion of 24 years of service w.e.f 09.08.1999 in accordance with the ACP scales.

After hearing learned counsel for the parties, we are of the opinion that issue is no longer res integra. Similar controversy has been decided by the High Court of Rajasthan at Jodhpur **in Madhu Misra v. Union of India and another with connected matters passed in DB Civil Writ Petition No.2742 of 2012, decided on 10.04.2017,** wherein it has been noticed in para no.6 as follows:-

“6. The Recruitment Rules pertaining to the Junior Engineers of (B&R) and (E&M) were amended vide SRO dated June 2, 2004 published in the Gazette of India on July 10, 2004 and came into effect with effect from the same date. Similar amendment was also made to the Recruitment Rules

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pertaining to Surveyors of Works Cadre by SRO 18 dated February 17, 2005 published in the Gazette of India on March 12, 2005. It came into force on the same date. After the amendment of the Recruitment Rules, vide office memorandum dated February 21, 2006, respondents granted second ACP with effect from the date of the Notification dated July 10, 2004 to the diploma holder AEs who have been promoted after July 9, 1991, subject to the fulfilling of the necessary eligibility criteria including 24 years regular service. Further, it was decided that the second ACP be granted to the eligible diploma/degree holder Assistant Engineers/Junior Engineers who have completed 24 years of eligible service with effect from August 9, 1999 instead of July 10, 2004. This decision was taken vide office memorandum dated March 14, 2007. Accordingly, the respondents superseded Appendix-A to the office memorandum dated January 23, 2002 by granting second ACP to the Junior Engineers in the scale of ₹ 10000-325-15200 on completion of 24 years of service as on August 9, 1999, or whichever was later, and also superseded Appendix-B/1 to the letter dated November 1, 2004 and allowed second ACP benefit to the Junior Engineers (QS&C) with effect from February 17, 2005. As a result, except the writ petitioners who were eligible and were granted the second ACP benefit prior to February 17, 2005, all others were granted the second ACP benefit in the pay scale of ₹10000-325-15200. The petitioners were granted ACP benefit in the pay scale of Rs.8000-225-13500.”

This judgment has attained finality as the SLP against it stands dismissed which is also the stand of the official respondents in view of the communication dated 18.12.2017 placed on record as Mark x.

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In view of the above, the present writ petition is allowed in terms of the abovesaid judgment of the High Court of Rajasthan at Jodhpur which has held the writ petitioner's therein entitled to the second ACP in terms of the scheme after completion of 24 years of service w.e.f 09.08.1999. The financial benefits accrued to the petitioner be relased to him forthwith but not later than two months from the date of receipt of certified copy of this order.

(MAHESH GROVER)
JUDGE

06.02.2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No