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

CWP-23784-2013

Date of decision-06.03.2018

Sarwan Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S.Ghumman, Advocate for the petitioner.

Mr. Suveer Sheokand, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

The claim of the petitioner in the instant writ petition filed under Articles 226/227 of the Constitution of India is for grant of higher pay-scale on completion of 4th, 9th and 14th year of service in the cadre under the Assured Career Progression Scheme (for short 'ACP Scheme') as applicable to the employees of the State of Punjab.

The petitioner was not granted the higher pay-scale under the ACP scheme as the ACRs for the years 1998-99 and 2001-02 had not been recorded and instead 'No Report Certificates' (Annexures P-4 and P-7 respectively) were noticed by the Competent Authority. Learned counsel for the petitioner submits that for the inaction of the authorities, the petitioner cannot be made to suffer.

In the reply, it has been asserted by the respondents that the petitioner was not found suitable for placement in the higher pay-scale after

completion of four years of regular service w.e.f. 01.01.2001. The reply does not narrate the deficiencies of the petitioner as to why he was not found suitable. As per Annexure P-4 issued by the Senior Medical Officer, PHU Sidhwan Bet, ACR for the year 1998-99 was not available despite best efforts made to trace out the same. Further, as per Annexure P-7, the ACR for the year 2001-02 was not recorded by the then SMO, CHC Bham. The petitioner is in continuous service of the respondents and presently holding the post of Senior Medical Officer.

Considering the facts that the petitioner is in continuous service since 17.01.1996 and beyond the non recording of the ACRs in question, there is nothing against him and particularly when the State has failed to explain as to why the ACRs on the basis of which the petitioner had been denied the benefit, were not recorded by the then Competent Authority, the writ petition succeeds.

Accordingly, the petitioner is held entitled to higher pay scales on completion of 4th year, 9th year and 14th year of service in the cadre in accordance with the ACP scheme w.e.f. 01.01.2000, 01.01.2005 and 01.01.2010, respectively. The consequential relief including the arrears be released to the petitioner within the period of eight weeks from the date of receipt of a certified copy of this order.

(JITENDRA CHAUHAN)
JUDGE

06.03.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No