

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. C.W.P. No. 4483 of 2016(O&M)
Date of decision: 21.11.2018

Union of India and others .. Petitioners

vs.

Ashok Kumar Prashar and another .. Respondents

2. C.W.P. No.10535 of 2017(O&M)

Union of India and another .. Petitioners

vs.

Tarsem Kumar and another .. Respondents

Coram: Hon'ble Mr. Justice Rajeev Sharma
Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Dheeraj Jain, Advocate
for the petitioners.

Mr. V.K. Sharma, Advocate
for respondent No.1.

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Rajeev Sharma, J.

Since common question of law and facts are involved in both these writ petitions. Therefore, both have been taken up together for disposal. However, the facts are being taken from CWP No. 4483 of 2016.

The core issue involved in the petition is whether the temporary service rendered by an employee is to be counted towards the grant of benefit of financial upgradation under the MACP Scheme .

This issue is no more *res integra* in view of the judgment rendered in *CWP No. 22139 of 2015 (Union of India and others vs. Central Administrative Tribunal, Chandigarh and others)* decided on 23.05.2016 and analogues *CWP No. 21669 of 2016 (Hari Ram vs. Union of India and others)* decided on 30.04.2018.

Accordingly, the present writ petition is disposed of in view of the ratio of the judgments referred to above. The impugned order is set aside. The Administration is directed to consider the case of the respondent for the purpose of benefit grant of benefit of financial upgradation under the MACP Scheme by counting his temporary service within a period of one week from today.

(Rajeev Sharma)
Judge

(Harinder Singh Sidhu)
Judge

21.11.2018
Atul

Whether speaking/reasoned
Whether Reportable:

Yes
Yes/No