

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

CWP No.29121 of 2017 (O&M)

Date of Decision:16.1.2018

Balwan Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr.Arvind Chauhan, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

The petitioner retired from the service of the Haryana State Pollution Control Board. Previously, he had worked as Steno-typist with the Haryana State Small Industries and Export Corporation Ltd. He was appointed by way of transfer to the Board and retired on superannuation from there. He seeks direction for clubbing of both the services for grant of ACP. The previous service has been recognized for the purpose of pay and pension, but fixation of pay in the ACP pay structure as revised from time to time has been denied. The petitioner relies on the decision of the Supreme Court in State of Haryana and another vs. Deepak Sood and others (Civil Appeal No.4446 of 2008 decided on 15th July, 2008) which also deals with similar issue of ACP whereas in the present case, the government has decided to club the length of services in the previous organization towards pay and pension only, but not for grant of the benefit

purpose in issuing notice of motion to the respondents and waste time by calling for a reply of the Board/Corporation for exercising judicial review when the view is not known in writing.

In these circumstances, this petition is disposed of with a direction to the competent authority amongst the respondents to consider the representation/legal notice (Annex. P-14 and P-15) of the petitioner and decide the same within six weeks from the date of receipt of a certified copy of this order. In case, an order adverse to the interest of the petitioner is proposed to be passed, he would be given an opportunity of effective hearing and the decision must contain reasons to deny the benefit of ACP from the due date while counting previous service and also assign reason why the judgment in Deepak Sood, supra is distinguishable.

16.1.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No