

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-18705-2019

Date of decision: - 12.07.2019

Anil Kumar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ganesh Kumar Sharma, Advocate, for the petitioner.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

In the present writ petition, the claim of the petitioner is for the grant of 3<sup>rd</sup> ACP w.e.f. 01.04.2014.

Counsel for the petitioner argues that though, initially the petitioner had refused to accept promotion due to family circumstances, thereafter, he requested for the grant of promotion, which request was not accepted and therefore, he became entitled for the grant of ACP. Counsel argues that despite being entitled for the grant of ACP, said benefit was not given to him only due to the fact that he had refused the promotion on an earlier occasion. Counsel further argues that keeping in view the instructions issued by the Government of Haryana, even where an employee has refused the promotion at one given point of time, he does not lose his entitlement for the grant of said ACP in case subsequently he is not granted the promotion.

Counsel for the petitioner submits that for the relief which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 19.07.2018 (Annexure P-5), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 19.07.2018 (Annexure P-5) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

**July 12, 2019**  
naresh.k

**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

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|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |