

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

206

CWP No.1938 of 2016

Date of Decision : 16.08.2019

Jag Dev Singh

....Petitioner

v/s

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: None for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the writ petition is for the issuance of a writ of certiorari for quashing order (Annexure P-7) dated 19.08.2015, whereby the petitioner's prayer for grant of 2nd ACP has been declined as also for the issuance of a writ in the nature of mandamus for directing the respondents to grant the 2nd and 3rd ACP to the petitioner, besides annual increments w.e.f. July, 2015 along with all consequential benefits.

[2] Learned Senior Deputy Advocate General, Haryana, states that the case regarding restoration of 2nd ACP of the petitioner, which was withdrawn vide order dated 29.08.2013 was sent to the Finance Department for advice and pursuant to receipt of advice of the Finance Department, the 2nd ACP which was earlier withdrawn has since been restored vide order (Annexure R-1) dated 12.01.2017 and thereafter 3rd ACP has also been granted to the petitioner vide order (Annexure R-2) dated 12.01.2017.

[3] Learned Senior Deputy Advocate General, Haryana, further states that the claim for grant of annual increment w.e.f. July, 2015 is misconceived for while fixing pay of the petitioner on the post of Clerk vide order dated 06/11.02.2015 it was clearly mentioned that the next annual increment would accrue on 01.07.2015 only after the petitioner passed the State Eligibility Test in Computer Appreciation/applications in terms of Government Instructions (Annexure R-3) dated 07.11.2013 and Departmental Group 'C' Service Rules, 2013 (Annexure R-4).

[4] Learned Senior Deputy Advocate General, Haryana, states that in the absence of the petitioner having passed the State Eligibility Test in Computer Appreciation/Applications, the prayer for grant of next annual increment is not maintainable and the petitioner would be entitled to grant of annual increments only on passing of the State Eligibility Test in Computer Appreciation/Applications.

[5] In the light of the position as noted above, no further orders are called for. Accordingly, the writ petition is *disposed of* as having been rendered infructuous. However, liberty is granted to the petitioner to move an application for revival of the writ petition in case cause survives.

(B.S. Walia)
Judge

August 16, 2019
'Rajneesh'

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No