

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21379-2016

Date of decision: - 04.04.2019

Praveen Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Anurag Goyal, Advocate
for the petitioner.

Mr. Charanjit Singh Bakhshi, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which has been raised by the petitioner is that he has not been granted the benefit of 2nd and 3rd ACP pay scale when he was in service. The prayer is that after the grant of the said benefit, the pensionary benefits of the petitioner should be redrawn keeping in view the refixation which will be done upon the grant of the benefit of 2nd and 3rd ACP.

Upon notice of motion, the respondents have filed a reply to the said claim, whereby, in paragraph 3, the respondents have admitted that request of the petitioner has been accepted and 2nd ACP has already been granted and the award of benefit of 3rd ACP is under active consideration. The relevant part of the said reply is as under: -

“3. That it is further submitted that now the petitioner has been granted benefit of 2nd ACP pay scale w.e.f. 01-10-2011 vide

Order No.23/12-2016 HRG-1(5) Dated 01-09-2016 and accordingly, his pay has been fixed. His case for pension and benefits of Death-cum-Retirement Gratuity (DCRG) and Commutation of pension was submitted to the office of Principal Accountant General Haryana (A&E) Chandigarh on 04-11-2016 with request to release the pension and other retiral benefits to the petitioner vide various orders dated 30-11-2016. But during this time of consideration, the Finance Department Haryana, Chandigarh has notified Haryana Civil Services (Revised Pay) & (ACP) Rules, 2016 applicable with effect from 01-01-2016. The award of benefit of 3rd Assured Career Progression Pay Rules, 2016 under active consideration of competent authorities.

4. That the petitioner has already been released following retiral payments: -

S.No.	Title of Payment	Amount (Rs.)
1	Pension	₹16,010/- per month
2	DCRG	₹8,82,552/-
3	Commuted Pension	₹6,43,295/-
1	General Provident Fund (GPF)	₹24,80,206/-
2	General Insurance (GIS)	₹24,330/-
3	Leave Encashment	₹7,20,450/-
4	LTC	₹69,863/-
	Total =	₹48,20,696/-

Today, counsel for the respondents has made a statement that on the basis of a communication received from the respondent department dated 22.02.2018, the petitioner has been granted the benefit of 2nd as well as 3rd ACP and in this regard all the consequential benefits have also been released in favour of the petitioner.

Counsel for the petitioner states that though a statement has been made by the respondent about the release of the benefits, he would not like to dispute at this stage, but petitioner be given liberty to approach the respondents in case any of the benefits or consequential benefits of 2nd

or 3rd ACP have not been released to the petitioner so far, as stated by counsel for the respondents, by filing an appropriate representation in this regard.

Counsel for the respondents states that in case any such representation is received from the petitioner in this regard, the same will be decided expeditiously by passing an appropriate speaking order.

In view of the above, counsel for the petitioner does not want to press the present writ petition any further and request that the same may be disposed of as such.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

April 04, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No