

Civil Writ Petition No. 20792 of 2019(O&M)
Date of Decision : 21.08.2019

Ramesh Chander & Ors.

... Petitioners

versus

State of Punjab & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Gurjinder Singh Chahal, Advocate
for the petitioners.ARUN MONGA, J(ORAL)

1. Grievance of the petitioner herein is that they have not been accorded the benefit of Assured Career Progression Scheme(ACP Scheme) in terms of judgment dated 20.05.2013(Annexure P-6) rendered by this Court in CWP No. 16446 of 2010, whereby similarly placed employees have already been granted the said benefit of ACP. In the premise, the petitioners had approached the respondents-State, but vide impugned order dated 29.05.2018(Annexure P-12) they have been denied the benefit of ACP on the ground that their case will be decided after the decision of CWP No. 28628 of 2017, which was pending before this Court at the relevant time.

2. Learned counsel for the petitioner submits that after passing of the impugned order, said CWP No. 28628 of 2017 has been disposed of vide order dated 23.01.2019, by passing the following order:-

“Grievance of the petitioners is that order, Annexure P-14, is contrary to ratio of judgment dated 20.05.2013 rendered in a case titled as ‘Jaswinder Singh Bedi etc. versus State of Punjab etc.’ in CWP-16446-2010, Annexure P-6.

Admittedly, Letters Patent appeal and SLP preferred against the said order have already been dismissed. It has been brought to the notice of the court that petitioners also

preferred separate petitions which were disposed of by Single Bench in terms of the judgment rendered in Jaswinder Singh Bedi's case (supra).

At the outset, learned State counsel submits that entire issue has to be considered by the Government, particularly Finance Department. She submits that a decision would be taken in a joint meeting of respondents No.1 to 3 within six weeks from today.

In view of the above, no further direction is necessary. Petition is hereby disposed of. Petitioners would, however, be at liberty to file afresh in case any cause of action subsists.

Instructions issued vide order dated 20.11.2017, Annexure P-14 be kept in abeyance till decision is taken by the respondents."

3. Learned counsel for the petitioners submits that notwithstanding, the petitioners' case has not been re-considered in the light of decision taken by the State Government, as per the joint meeting of Secretaries of Finance Department, Personnel Department and Irrigation Department(respondents No.1 to 3 respectively).

4. Notice of motion.

5. On advance service of copy of the petition, Ms. Ambika Bedi, Assistant Advocate General, Punjab, appears on behalf of respondents.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting upon the merits of the case, writ petition is disposed of with a direction to the respondents to pass fresh orders in terms of the decision taken in the joint meeting of Secretaries of Finance Department, Personnel Department and Irrigation Department(respondents No.1 to 3 respectively).

8. Let the needful be done within a period of 60 days from the date of receipt of certified copy of this order.
9. In case any order favourable to the petitioners is passed, the necessary calculations be carried out and disbursement thereof shall be made to them within a period of three months thereafter.
10. Disposed of in above terms.

21.08.2019
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(ARUN MONGA)
JUDGE

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| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |