

(204) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28382 of 2013

Date of decision: 28.08.2019.

Randhir Singh and others Petitioners

Versus

State of Haryana and others Respondents

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

Present: Mr. Mahesh Saxena, Advocate for the petitioners.
Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. WALIA, (ORAL)

[1] Short grievance of the petitioners is for grant of grade pay of ₹ 4800/- instead of ₹ 4600/- in the pay band of ₹ 9300/- - 34,800/- w.e.f. 01.01.2006 and further for grant of ACP as per rules admissible.

[2] Learned Sr. DAG has placed on record copy of decision dated 30.07.2018 on reconsideration of the claim of the petitioners. Relevant extract of the same is reproduced as under:-

“1. The functional pay structure of the post of Master (to which post the Petitioners were appointed originally/at the first instance) and that of Elementary School Head Master (to which post they were promoted on account of hierarchical promotion) was revised into PB-II Rs.9300-34800+4600 Grade Pay as on 1.1.2006. In view of the feeder post and promotional post having been placed into same functional pay structure as on 1.1.2006 the functional promotion of the petitioners taken place before 1.1.2006 ceased to be a financial up-gradation and the petitioners accordingly became entitled for consideration of 1st ACP Grade Pay benefit of Rs.9300-34800+4800 Grade Pay u/r 13 of the HCS (ACP) Rules, 2008 as on 1.1.2006.

2. Further, they may be considered for grant of 2nd ACP of Grade Pay of Rs.5400 as on 1.1.2011 on completion of 20 years of regular satisfactory service u/Rule 13 of HCS (ACP) Rules, 2008.
3. Thereafter, they may be considered for grant of 3rd ACP benefit of Grade Pay of Rs.6000 as on 1.1.2015 under Rule 13 ibid on completion of 24 years of service.
4. The AD is, therefore, advised to consider the entitlement of each and every petitioner by examining the detailed facts carefully at its own level and grant the entitled benefit of 1st /2nd /3rd ACP Grade Pay to them subject to fulfillment of other relevant terms and conditions of the ACP Scheme.
5. The earlier Advice of this Department bearing even No., dated 10.07.2018, as referred to above, may be treated as withdrawn.”

[3] Copy of the said decision dated 30.07.2018 has been handed over to learned counsel for the petitioners who states that in the circumstances, the writ petition may be disposed of by directing the respondents to implement the aforementioned decision in a time bound period.

[4] Learned Sr. DAG states that decision as taken on reconsideration of the claim of the petitioners would be implemented within a period of four months from today.

[5] In the light of statement of counsel for the parties and the position as noted above, the writ petition is disposed of by directing the respondents to grant consequential benefits as admissible to the petitioners as per their entitlement on reconsideration of their claim within the aforementioned period of time.

28.08.2019
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(B.S. Walia)
Judge

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