

Sr. No. 210

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

CWP No.4849 of 2013 (O&M)

Date of Decision: 29.04.2019

Capt. V.S.Narwal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ravinder Malik, Advocate,
for the petitioner.

Mr. Sunil Kumar Vashisth, DAG, Haryana.

ARUN MONGA, J.(ORAL)

In course of the hearing, learned counsel for the petitioner has handed over the Instructions/Order dated 04.03.2014, which is taken on record.

2. The short controversy in the present writ petition is that the petitioner is entitled to the benefit of Order/Instructions dated 04.03.2014 issued by Finance Department, Government of Haryana. The relevant whereof is extracted hereinbelow:-

“On the persistent demand of Haryana Government employees, the matter has been further considered by the Government at length and after careful consideration, the Government has decided to modify the general ACP scheme as under:-

i) The term of 10, 20 and 30 years of service for grant of 1st, 2nd and 3rd ACP respectively has been changed to 8, 16 and 24 years. Accordingly Rule 7, and all other relevant provisions of these rules will be deemed to have been modified to this extent.”

3. A perusal of the above leaves no manner of doubt that on completion of 8 and 16 years of service, to be calculated w.e.f. 09.03.1993 i.e. the date when the petitioner was appointed as Secretary, Zila Sainik Board, he is entitled to the benefit of 1st and 2nd ACP w.e.f. 01.04.2001 and 01.04.2009 respectively.

4. In the affidavit filed by Mr. Ranju Prasad, Advisor-cum-Secretary to Government of Haryana, Finance Department, the conceded stand has been taken that since the petitioner had completed 20 years of regular service as on 08.03.2013, he was, therefore, subject to his eligibility as per rules, entitled to 2nd financial up-gradation in the shape of Grade Pay benefit of Rs.6400/- in the pay scale of Rs.15600-39100/- w.e.f. 01.04.2013.

5. However, as observed above, the petitioner is entitled to the benefit of 2nd ACP on completion of 16 years of service i.e. on 01.04.2009 but, has been held entitled for the same on completion of 20 years of service, which is in violation of the Instructions/Order dated 04.03.2014, *ibid*.

6. In the premise, the writ petition is disposed of with a direction to the respondents to grant the benefit of ACP in accordance with the Instructions/Order dated 04.03.2014.

7. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

8. Disposed of.

(ARUN MONGA)
JUDGE

29.04.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No