

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

**CWP No. 6091 OF 2014
DATE OF DECISION : 14.11.2019**

Ravinder Singh

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. M. K. Sood, Advocate,
for the petitioner.

Mr. P. S. Bajwa, Addl. AG, Punjab.

Mr. H. K. Aurora, Advocate,
for Municipal Corporation, Jalandhar.

ARUN MONGA, J, (ORAL)

1. Petitioner herein seeks issuance of a writ in the nature of mandamus directing the respondents to release pay, increments, LTC amount and arrears along with interest @ 18% per annum.

2. During the pendency of the proceedings before this Court, my learned Brother Amol Rattan Singh, J. passed the following order dated 15.09.2015 :

" Though, as per the reply filed on behalf of respondent No. 1, it has been admitted that the order, Annexure P-2, has been passed "inadvertently by mistake" and that is actually one S.K.Gupta, who was to be imposed the punishment that the petitioner has been imposed, however, neither any kind of compensation by way of interests and costs to be

given to the petitioner, for making him suffer unnecessarily, has been referred to in the reply and further, as regards the ACP scale already stated to have been given to him earlier, which were withdrawn, it is stated that the same would be considered afresh.

The order with regard to consideration of grant of ACP scales again to the petitioner, with effect from the date that the first became due to him, be passed within ten days. The issue of release of arrears falling due to the petitioner on account of the aforesaid order being wrongly passed against him, be also dealt with in the order to be passed by the Principal Secretary to Government of Punjab, Department of Local Government, along with consequential benefits of release of such arrears and increments etc., to him”.

3. Apropos the above order, other than Assured Career Progression (hereinafter referred to as “the ACP”), the other benefits have already been accorded to the petitioner, as has been noticed in the order dated 27.02.2019 in following terms :

“ Learned counsel for the petitioner states that despite order dated 27.10.2015 (Annexure R1/2), passed by Secretary, Department of Local Government, Government of Punjab, the benefits have not been granted as envisaged in the said order.

On the other hand, learned counsel for respondent No.2/Municipal Corporation, Jalandhar, states that the petitioner has been disbursed all the benefits except the benefit under the ACP scheme. The benefit of ACP scheme is to be disbursed to the petitioner by respondent No.1 i.e. Department of Local Government, Government of Punjab.

Order sheet reflects that despite grant of ample opportunity, respondent No.1 has not done the needful.

In the interest of justice, one last opportunity is granted to the respondent-State to comply with the order dated 15.09.2015 passed by this Court, within a period of two months from today. Failing which, Secretary, Department of Local Government, shall be present personally in the Court on the next date of hearing for further proceedings."

4. In the course of hearing today, learned State counsel submits that benefit of ACP has been accorded to the petitioner and therefore, nothing survives in the writ petition.

5. My attention has been drawn to an affidavit dated 24.04.2019 of one Shri Balbir singh, Under Secretary, Government of Punjab, Department of Local Government, wherein it has been stated as below :

"5. That on re-appreciation of the entire file it has transpired that the benefits of the ACP on completion of 14 years has in fact also been granted to the petitioner vide order dated 03.07.2017. Copy of the said order is annexed as Annexure R-1/1. It is clarified that the date 26.09.2016 has been inadvertently written as 29.06.2016 in the said order, and the said inadvertent error may kindly be ignored and the date 29.06.2016 be read as 26.09.2016.

6. That it is pertinent to mention here that the Grade Pay of the Deputy Controller (Finance & Accounts) had been increased from Rs.4800/- to

₹6600/- on 26.10.2013. However, subsequently keeping in view various aspects, vide order dated 26.09.2016, the grade pay of ₹6600/-to the Deputy Controller (Finance and Accounts) was reduced to ₹4800/- again. Copy of the letter dated 26.09.2016 is annexed herewith as Annexure R-1/2."

6. In view of the above stand, the writ petition is disposed of with a direction to the respondents to calculate the arrears of ACP with effect from the date when the petitioner is stated to have completed 14 years of service, along with grade pay of ₹6600/- for the period same was disbursed to other similarly situated employees. It is also made clear that disbursement made to the petitioner shall also entail interest @ 7% per annum and the same shall be payable to him with effect from the actual date of his entitlement till disbursement thereof.

(ARUN MONGA)
JUDGE

NOVEMBER 14, 2019
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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |