

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

**CWP No.28509 of 2018
Date of decision:09.07.2019**

Mukesh Kumar Arora

... Petitioner

Vs.

The State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jagjeet Beniwal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Challenge in present writ petition is to the impugned order dated 13.08.2018 (Annexure P-10), whereby, as per averment in petition, respondent-department instead of granting 3rd ACP w.e.f 2009 on completion of 17 years of service, has granted benefit to the petitioner w.e.f. 2013.

Mr. Jagjeet Beniwal, learned counsel appearing on behalf of petitioner submitted that petitioner after rendering 12 years of service in 2003, was promoted as Executive Engineer, vide order dated 5.11.2003. As per the Haryana Civil Services (Assured Career Progression) Rules 2008, accepted by the respondent-Board, petitioner is entitled for 1st, 2nd and 3rd ACP after completing 5, 11 and 17 years of service. However, department came out with a resolution dated 08.03.2006 that all the Executive Engineer in HSAM Board in the State of Haryana, who have already been promoted,

are required to undergo departmental test. In case this Court does not agree with aforementioned contention, at least petitioner may be granted the benefits w.e.f. 2010 as he was not at fault, for, no departmental test from 2010 to 2013 was held.

I am afraid the aforementioned arguments would not be sustainable as ACP of 2008 and resolution dated 08.03.2006 noticed in the impugned order revealed that even if a person who has been promoted has to undergo departmental test. There was no challenge to the aforementioned resolution. In the absence of same, petitioner cannot claim 3rd ACP benefits w.e.f. 01.09.2009 having rendered service of 17 years and is also not entitled to the benefit w.e.f. 2010. The impugned order, in my view, does not fall within judicial review while exercising the powers under Articles 226/227 of Constitution of India.

Writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

July 09, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No