

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22893-2019

Date of Decision: 28.8.2019

Ashok Kumar and others

...Petitioners.

v.

State of Punjab and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE ARUN MONGA.

Present: Mr. Raghav Gulati, Advocate for the petitioners.

ARUN MONGA, J. (ORAL)

The grievance of the petitioners is that they have not been accorded the benefit of Assured Career Progression (ACP) Scheme as formulated vide policy/circular dated 3.11.2006 (Annexure P-4) along with all consequential benefits.

2. Learned counsel for the petitioners submits that in an earlier round of litigation instituted by the similarly situated persons, as the petitioners herein, a Coordinate Bench of this Court vide judgment dated 20.5.2013 (Annexure P-6) had allowed their claim, which in-turn was challenged by the State by way of an intra court appeal also. The said appeal was dismissed as is reflected from a Division Bench judgment dated 19.12.2014 contained at Annexure P-7. Learned counsel for the petitioners further submits that the Division Bench judgment has since attained finality as the Special Leave Petition filed against the same was also dismissed by

the Apex Court.

3. Notice of motion.

4. On advance service of copy of the petition, Ms. Anu Chatrath, Senior Advocate with Ms. Ambika Bedi, Assistant Advocate General, Punjab, appears on behalf of the respondents and has rendered assistance.

5. Having heard the learned counsel for the petitioners as also the learned Senior Counsel representing the State, I am of the view that the case of the petitioners is indeed squarely covered by the judgment dated 20.5.2013 (Annexure P-6), as relied by them read with the order dated 19.12.2014 (Annexure P-7).

6. In the aforesaid premise, the present writ petition is also allowed in terms of the Division Bench judgment of this Court rendered in CWP-16446-2010 contained at Annexure P-6 as confirmed by the Division Bench as as also Apex Court. The respondents are directed to grant the benefit of ACP Scheme as per circular dated 3.11.2006 (Annexure P-4) along with all other consequential benefits to the petitioners, as has been granted entire to another set of employees similarly situated to the petitioners.

7. In fact, the record of the case reflects that despite the judgment (Annexure P-6) having attained finality, the benefit of ACP Scheme, was not accorded to the petitioners therein leading to the filing of the contempt petition bearing COCP-3681-2017, wherein vide order dated 2.4.2019 (Annexure P-10), the respondents were directed to comply with the direction failing which they were liable to pay penalty of ₹ 50,000/- to each of the petitioners.

8. Let the needful be done as expeditiously as possible. It would

be appreciated if the relief is granted along with all other similarly situated employees who have filed the contempt petition before this Court in order to avoid any heart burning to the petitioners herein.

9. Disposed of in above terms.

August 28, 2019
gbs

(ARUN MONGA)
JUDGE

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