

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9789 of 2016 (O&M)

Date of Decision: 16.01.2019

Lal Singh

... Petitioner

Versus

Union of India and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajeev Anand, Advocate
for the petitioner.

Mr. Pawar Kumar Longia, Advocate
for respondents-UI.

ARUN MONGA, J. (ORAL)

Petitioner has approached this Court *inter alia* seeking fixation of correct pay and grant of financial benefits accrued under the Assured Career Progression Scheme, 1999, from the due date. The petitioner who was working as Sub-Inspector has sought the benefit of financial upgradation in the pay scale of Rs.5500-9000/- (pre-revised) on completing of 24 years of service w.e.f. 28.06.2007 under the ACP Scheme, 1999 and Grade Pay of Rs.4600/- on completion of 30 years of service w.e.f. 28.06.2013 under the Modified Assured Career Progression Scheme, 2009.

2. The petitioner also claims that he is entitled to re-fixation of his pay and all consequential allowances viz-a-viz his juniors who are getting more pay than the petitioner. The petitioner has placed reliance on a judgment rendered by *Delhi High Court in WP(C) 5539 of 2012 titled as "Jaipal Singh and others Vs. UOI and others,"* decided on 06.09.2013. Whereby, similarly situated persons have been granted the relief sought by the petitioner.

3. In the written statement filed by the Union of India, the stand taken is that on completion of 28 years regular service petitioner has been sanctioned second ACP

w.e.f. 30.06.2007 in the pay scale of Rs.5500-9000/- (pre-revised) and accordingly his pay was refixed as Rs.9300/- with Grade Pay of Rs.4200/- w.e.f. 01.07.2007 on revision of pay scale. It is further stated that the third MACP has been granted w.e.f. 28.06.2013 and his pay has been refixed Rs.11470/- with Grade Pay of Rs.4600. It is further stated that the entire arrears have also been calculated and disbursed to him.

4. The only question that survives now, as per contention of the petitioner, is that his pay has to be refixed as he has been getting lessor pay as compared of those of his juniors.

5. Learned counsel for the petitioner points out that the details of the juniors who are/were getting more pay than the petitioner herein has been furnished in his representation dated 12.02.2016 (Annexure P-4) submitted by the petitioner for removal of anomaly of his pay.

6. Without going into the merits on the contention of the petitioner qua pay anomaly, the writ petition is disposed of with direction to the respondent No.2 to pass a speaking order on the petitioner's representation (Annexure P-4), keeping in view the contention of the learned counsel for the petitioner, as noted above and make rectification in pay fixation, if there is any anomaly. Let needful be done within a period of three months.

7. Disposed of accordingly.

16.01.2019

rekha sharma

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*