

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

(255)

CWP-9597-2017

Date of Decision: October 14, 2019

Harish Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Arora, Advocate, for the petitioner.

Mr. Charanjit Singh Bakhshi, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the respondents have wrongly denied the benefit of ACP to the petitioner vide order dated 12.11.2014 (Annexure P-8).

The prayer of the petitioner in the present writ petition is that the petitioner remained stagnant on the post of Clerk from the date of appointment i.e. 22.12.1985 till 02.06.2007 and therefore, for working on the same post for a period of 22 years, petitioner was entitled for the benefits of Assured Career Progression Scheme, which had come into being with effect from 01.01.2006.

Upon notice of motion, the respondents have filed the reply.

In the reply, the respondents have attached an order dated 06.05.2018/08.05.2018 by which, the respondents have stated that petitioner has been granted the benefit of 2nd ACP w.e.f. 01.01.2006. The relevant averments made in the reply are as under:-

“ 4. That the contents of para no.4 are matter of record hence needs no reply. However, it is submitted that the petitioner has been granted 1st A.C.P. w.e.f. 01.06.1996 and 2nd A.C.P. with effect from 01.01.2006 vide this office letter no.175/EB dated 08.05.2018 according to his demand.”

Learned counsel for the petitioner is not disputing that order dated 06.05.2018/08.05.2018 has been passed by which the benefit of 1st ACP was granted w.e.f. 01.06.1996 and 2nd ACP w.e.f. 01.01.2006.

Learned counsel for the petitioner prays that despite granting the said benefit, there exists some anomaly in the fixation of his salary. Learned counsel for the petitioner prays that the present writ petition be disposed of giving liberty to the petitioner to file a representation bringing out his grievance with regard to fixation of his salary after passing of the order dated 06.05.2018/08.05.2018, to the notice of the respondents.

Learned counsel for the respondents very fairly states that in case, any such representation is filed by the petitioner raising any grievance, the same will be disposed of within a period of three months from the receipt of the same. In case, after passing the order, petitioner is found entitled for any benefit, the same shall be released within a period of two months thereafter.

Keeping in view the abovesaid statement made by learned counsel for the parties, the present writ petition is disposed of as not pressed and the respondents will be bound by their statement as recorded above.

(HARSIMRAN SINGH SETHI)
JUDGE

October 14, 2019
harsha

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No