

Sr. No.146

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

CWP No.28665 of 2019 (O&M)

Date of Decision: 03.10.2019

Davinder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. R.K.Arora, Advocate,
for the petitioners.

Mr. P.S.Bajwa, Additional A.G., Punjab.

ARUN MONGA, J.(ORAL)

Grievance of petitioners herein is that they are not allowed the benefit under Dynamic ACP Scheme as per Instructions dated 17.04.2000 (Annexure P-6) read with Instructions dated 22.12.2011 (Annexure P-7) as allowed to the lecturers of the same department. Further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to include the Category of the post of Programmer (Teaching Duty) as one of the categories entitled for the grant of benefit of DACP.

2. Learned counsel for the petitioners submits that post of Programmer (Teaching Duty) is equivalent to the post of Lecturer. Both are feeder cadre posts for promotion. He further submits that petitioners are eligible for the DACP benefit by fulfilling terms and conditions of the Scheme.

3. In the premise, petitioner submitted a representation dated 28.12.2011 (Annexure P-10), but the same was not adverted by the respondents. Hence, the writ petition.

4. Notice of motion.

5. On advance service of the petition, Mr. P.S.Bajwa, Additional A.G., Punjab appears and accepts notice on behalf of the State.

6. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No.1- Principal Secretary, Department of Technical Education and Industrial Training, Punjab to objectively consider the representation dated 28.12.2011 (Annexure P-10) and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and pass a speaking order in the light of letter dated 31.08.2017 contained at Annexure P-14, in accordance with law.

8. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

9. Disposed of in above terms.

(ARUN MONGA)
JUDGE

03.10.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No