

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

CWP-40340-2018

Date of decision: 07.01.2019

Jai Bhagwan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.P. Chahar, Advocate for the petitioner.

Ritu Bahri, J. (Oral).

The petitioner has come up against the order dated 27.07.2018 (Annexure P-4) whereby his claim for grant of additional increment on promotion to the post of Driver or redesignating him as Work Supervisor/Motor Mate has been rejected.

A perusal of the order dated 27.07.2018 (Annexure P-4) shows that the petitioner was granted technical pay scale of ₹1200-2040/- w.e.f. 01.04.1993 and his pay was fixed as ₹5300/- in the scale of ₹5000-7850/- as on 06.06.2005 when he was promoted as Driver. He was granted first ACP on 01.04.2003 in the pay scale of ₹5000-7850/-. When he was promoted as Driver, he was not held entitled for promotional increment. A reference has been made to Note below Rule-15 of ACP Rules, 1998 wherein it has been clarified that if the functional pay scale of the promotional post and the ACP pay scale in which the Government servant is drawing his pay prior to the promotion are identical, his pay will not again be fixed in the functional pay scale of the promotional post which is identical to the ACP scale in which

he was drawing his pay before promotion. The petitioner has been granted first ACP on 01.04.2003 in the pay scale of ₹5000-7850 and while being promoted as Driver on 06.06.2005 his pay was fixed as ₹5300/- in the scale of ₹5000-7850/- . Hence, he has no right to claim additional increment as he is already getting higher pay scale as per ACP Rules. Hence, the order dated 27.07.2018 (Annexure P-4) does not suffer from any illegality. The petitioner has already been promoted as Driver since 2005 and his claim for redesignating him as Work Supervisor/Motor Mate has been rightly rejected since he has accepted promotion as Driver when there are no promotional avenues. Therefore, no case for redesignating him is made out.

Dismissed.

07.01.2019

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No