

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

**Civil Writ Petition No. 33 of 2019 (O&M)
Date of decision : 09.07.2019**

Dharam Pal Sharda

... Petitioner

versus

State of Punjab & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Pawan Kumar, Sr. Advocate with
Mr. Surya Kumar, Advocate
for the petitioner.

Ms. Anu Chatrath, Sr. Advocate with
Ms. Ambika Bedi, AAG Punjab

ARUN MONGA, J(ORAL)

In addition to an earlier short affidavit, another affidavit dated 09.07.2019 has been filed on behalf of respondents No.1 to 3 in the course of hearing, which is taken on record and a copy thereof has been supplied to learned Senior counsel for the petitioner.

Learned Senior counsel contends that reliance placed by the respondents on instructions dated 01.01.2018 (Annexure P-5) is totally misplaced as the benefit of ACP on completion of 14 years of service by the petitioner on 04.04.2013, cannot be denied to him by retrospective applicability of the said instructions, which are impugned herein.

Learned Senior counsel, however, submits that the petitioner would be satisfied if his case is decided on parity with other similarly situated employees as per his averments made in para No.8 of the writ petition, wherein he has given instances of co-employees who have been given the benefit of ACP on completion of 14 years of service.

Learned Senior counsel further submits that the petitioner is ready to suffer the same consequences as contemplated in Para 3 of the instructions dated 01.01.2018, *ibid*, whereby it has been stated that no recovery will be effected from the employees who have been given the benefit of ACP on completion of 14 years service and excess pay drawn by them would be treated as their personal pay which may be adjusted from future increments.

In the premise, the writ petition is disposed of with a direction to the respondents to pass appropriate speaking orders by treating the contents of the writ petition as a representation as also keeping in view the contentions of learned Senior counsel, noted above. In case it is found that the petitioner is entitled to be treated on parity, as contended by learned Senior counsel in terms of para No.8 of the writ petition, the benefit of ACP be granted to petitioner on the same terms as has been accorded to the similarly situated persons in accordance with para No.3 of the instructions dated 01.01.2018(Annexure P-5).

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

09.07.2019

Jiten

(ARUN MONGA)
JUDGE

- | | | |
|----|-----------------------------|---------|
| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |