

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

**CWP No.36876 of 2019 (O&M)
Date of decision : December 19, 2019**

Kanwaljit Kaur

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that the benefit of ACP on completion of 14 years of service has not been extended to the petitioner on the ground that the petitioner had foregone her promotion, therefore, the petitioner is not entitled for the benefit of ACP. Counsel states that the said question of law has already been decided by this Court in CWP No.6135 of 2003, titled as “*Varinder Pal vs The State of Punjab and others*”, decided on 05.07.2005, which judgment has also attained the finality.

Learned counsel for the petitioner further states that the case of the petitioner for the grant of ACP is squarely covered by *Varinder Pal's case (supra)* and therefore, a direction be issued to the respondents to consider the claim of the petitioner for the grant of ACP on completion of 14 years of service.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served a legal notice dated 30.06.2019 (Annexure P-15) upon the respondents, which is still pending consideration with the respondents and the petitioner will be

satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 30.06.2019 (Annexure P-15), by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 19, 2019

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No