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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

DATE OF DECISION: 24.02.2020

1. CWP NO. 10398 OF 2002 (O&M)

RAM KUMAR AND ANOTHER

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

2. CWP NO. 16051 OF 2002 (O&M)

ARJUN DASS AND OTHERS

...PETITIONERS

VERSUS

THE STATE OF HARYANA AND ANOTHER

...RESPONDENTS

3. CWP NO. 16993 OF 2002 (O&M)

SURAJ BHAN AND OTHERS

...PETITIONERS

VERSUS

THE STATE OF HARYANA AND ANOTHER

...RESPONDENTS

4. CWP NO. 10857 OF 2002 (O&M)

SHARANJIT AND OTHERS

...PETITIONERS

VERSUS

THE SECRETARY, HEALTH DEPARTMENT AND ANOTHER

...RESPONDENTS

5. CWP NO. 17785 OF 2002 (O&M)

PREM SINGH AND OTHERS

...PETITIONERS

VERSUS

THE STATE OF HARYANA AND ANOTHER

...RESPONDENTS

6. CWP NO. 955 OF 2003 (O&M)

NURSES ASSOCIATION, PT. B.D.SHARMA PGIMS, ROHTAK

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioners.

Mr. Hitesh Pandit, Addl. AG, Haryana.

Ritu Bahri, J. (Oral)

This order shall dispose of above said six petitions with common order and for convenience, the facts are taken from CWP No. 10398 of 2002.

Petitioners are seeking quashing of order dated 07.06.2002 (Annexure P-4) whereby the claim for modifying their first and second ACP had been declined. A perusal of the order shows that the petitioners were given the pay scale of 1400-2600 as per notification dated 07.01.1998, the petitioners were working on the posts of draftsman and their pay scale of 1400-2600 were revised to 5000-7850.

As per written statement filed by respondents No. 1 to 4, the petitioners had opted for Haryana Civil Services (ACP) Rules, 1998 and as per the said rules, the petitioners have been granted first and second ACP scale. The relevant portion is reproduced below:-

Sr. No.	Functional pay scale to the post as on 31.12.1995 on which the govt. servant	First Assured career progression pay scale	Second assured career progression higher pay scale
1	1400-40-16000-50-2300EB60-2600	5450-150-6930-EB-150-8000	5500-175-8500EB-175-9000

Since the functional pay scale of the petitioners was 1400-2600, they cannot be given the first and second ACP Scale which is to be given to a post where the functional pay scale was 1600-2616. Hence, after written statement, no replication was filed by the petitioners. Therefore, the functional pay scale of the petitioners has rightly been taken as 1400-2600 and corresponding, first and second ACP have rightly been granted. No case of modification has been made out and the impugned order (Annexure P-4) has rightly been passed.

In view of the fact that the main petitions have been disposed of, all the applications in the above said petitions stand infructuous.

The above mentioned all petitions are being disposed of.

24th February, 2020
shabha

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No