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

CWP No.9982 of 2019
Date of Decision: 19.02.2020

Mahesh Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. N.S. Panwar, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Ms. Bhavna Datta, Advocate
for respondent Nos.2 and 3.

NIRMALJIT KAUR, J. (ORAL)

The present writ petition is seeking grant of ACP grade I on completion of 10 years of regular satisfactory service w.e.f. 25.05.2011 instead of 18.04.2014.

Reply has been filed. As per the said reply, the petitioner has not completed 10 years of regular continuous service on the post of Stenographer Grade-II. He was promoted to the post of Stenographer Grade-II on 18.04.2004 and therefore, he was entitled to the Assured Career Progression (ACP) as per the Haryana Civil Services (Assured Career Progression) Rules, 2008 w.e.f. 01.05.2014 only after completion of 10 years of regular satisfactory service.

Learned counsel for the parties were heard.

It is not disputed that the petitioner was first promoted to the post of Stenographer Grade-II on 24.07.2000. However, he was reverted to the post of Steno-Typist/Stenographer Grade-III on 14.06.2003 on account

of withdrawal of the Court. Thereafter, he was again promoted to the post of Stenographer Grade-II on 18.04.2004. Thus, the petitioner was reverted not on account of any fault of the petitioner or as any punishment but only because the Court stood withdrawn. Therefore, his service from 24.07.2000 to 14.06.2003 cannot be ignored, whereas, it has not been counted on the ground that it was not continuous although, it was both regular and satisfactory. Rule 7 (4) of Haryana Civil Services (Assured Career Progression) Rules, 2008 relating to the grant of ACP grade pay under the general ACP scheme as amended rules reads as under:-

“7. Eligibility of Grant of ACP grade, Pay under the general ACP scheme:

(4) In case of a Government servant who gets promoted, he will be considered for the next ACP grade pay after he completes 10 years of regular satisfactory service in the promotional post without any financial up-gradation and will be entitled to the next ACP grade pay with reference to the grade pay of the promotional post he holds:

Provided that a Government servant shall not be entitled to avail ACP up-gradation, if he has already availed three financial upgradation of any kind in his career.”

From the perusal of the above said Rule, it is evident that there is no mention that the said service besides being regular should also be continuous. It is not disputed that his service was regular. The break was not on account of the fault of the petitioner.

In view of the above, the present writ petition is allowed. The respondents are directed to count the service rendered on the post of Stenographer Grade-II from 27.07.2000 to 14.06.2003 towards the requisite

period for the grant of first ACP with all consequential benefits. Needful be done within two months from the date of receipt of certified copy of this order.

19.02.2020

sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No