

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

**C.W.P 12018 of 2019
Date of decision : 28.01.2020**

Naveen Kumar & ors.Petitioners
versus

State of Haryana and anr. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Namit Kumar, Advocate
for the petitioners.

Mr. Hitesh Pandit, Addl.A.G. Haryana

RITU BAHRI, J. (Oral)

Petitioners are seeking direction to the respondents to grant them the benefit of ACP on completion of 10 years of service i.e. 25.06.2007 instead of 01.06.2009/25.05.2012.

This issue has already been decided vide judgment passed by this Court in CWP-15840-2015, titled as ***Mohinder Singh and another vs. State of Haryana and another***, decided on 21.04.2016 (Annexure P-6), which has been upheld in LPA No.174 of 2017 (Annexure P-7) and in SLP No.39267-2017 (Annexure P-8).

On notice of the petition, a written statement has been filed on behalf of respondent No. 2 taking a stand that the petitioners have rightly been granted ACP as per their entitlement and eligibility, as per Government instructions and Haryana Civil Services (ACP) Rules, 2008. The petitioners have been granted the benefit from the date they had passed the examination.

Learned counsel submits that the similar relief has been granted by this Court vide order dated 21.04.2016. This petition was filed by similarly situated persons and the writ petition was allowed as in that case, the petitioners

were appointed on regular basis and were eligible to participate in the Kanungo

examination as per instructions dated 28.05.1975, after completing three years of service but they were not allowed to appear in the examination in view of the litigation. It was held that though the petitioners have cleared the examination but the ACP scales cannot be denied to them simply on the ground that they have not passed the departmental examination.

In the present case as well, the petitioners were not allowed to appear in the examination and it is not on account of fault of the petitioners but was on account of wrong interpretation of instructions dated 28.05.1975 by the department. Vide subsequent instructions dated 24.10.2008, it was decided that the patwaris with minimum experience of five years were eligible to appear in the examination of Kanungo.

Learned State counsel is not disputing the fact that judgment dated 21.04.2016 (Annexure P-6) has attained finality as LPA No.174 of 2017 (Annexure P-7) as well SLP No.39267-2017 (Annexure P-8) filed against judgment dated 21.04.2016, stands dismissed.

The only ground taken by learned State counsel that the petitioner approached this Court at a belated stage.

Learned counsel for the petitioners submits that the petitioners earlier also approached this Court by filing CWP No. 7773-2018, which was disposed of on 28.03.2018 to consider the legal notice of the petitioners.

Applying the ratio of the above judgments (P-6 to P-8), the present writ petition is allowed and respondents are directed to grant the benefit of ACP on completion of 10 years of service to the petitioners, within a period of three months from the date of receipt of certified copy of this order.

January 28, 2020

G Arora

(RITU BAHRI)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No