

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11144 of 2015

Date of decision:-06.01.2020

Hari Parkash Maroria

.....Petitioner

vs.

The Commissioner & Secretary to
Govt.of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRIPresent:- Mr. B.K. Bagri, Advocate for
the petitioner.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J.(Oral)

By this petition, the petitioner is seeking direction to the respondents to grant pay band of Rs.15,600-39,100 with grade pay of Rs.6,000/- instead of pay band of Rs.9,300-34,800 with grade pay of Rs.5,400/- on completion of 10 years service as 1st ACP as equal to the grade pay of the promoted post of Principal under the grade pay of promotional hierarchy instead of next higher grade pay under the ACP Scheme, 2008.

The petitioner was appointed as S.S. Master in Education Department, Haryana on 02.11.1993. He was promoted to the post of Lecturer in History on 12.08.1998 and the pay scale of the Lecturer at the time of his joining was Rs.2,000-3,500 as per 4th Pay Commission. Thereafter the Haryana Government adopted 5th Pay Commission w.e.f. 01.01.1996 and the pay scale of Lecturers School Cadre was revised in the pay scale of Rs.6,500-10,500/-. Subsequently the State of Haryana in order to remove the stagnation started Assured Career Progression Scheme w.e.f.

01.01.1996 and ACP Rules, 2008 w.e.f. 01.01.2006. After completion of

10 years service as on 12.08.2008, he was granted 1st ACP pay scale w.e.f. 01.09.2008 in the pay scale of Rs.9,300-34,800 and his basic pay was fixed at Rs.17,170 plus grade pay of Rs.5400/-. Thereafter, Govt. of Haryana implemented the 6th Pay Commission and the pay scale of Lecturers was fixed as Rs.9,300-34,800 with grade pay of Rs.4,800 and on granting 1st ACP this grade pay was increased from Rs.4,800 to Rs.5,400/. Annexure P-1 is the copy of Haryana Civil Services (ACP Rules), 2008.

The case of the petitioner is that as per the modification in the ACP Rules, 2008 he is entitled for 2nd ACP with grade pay of Rs.6,000/- after completion of 16 years service i.e. in the year 2014.

On notice of this petition, reply has been filed by respondents No. 1 to 3. As per this reply, the petitioner was appointed as S.S. Master on 02.11.1993. Thereafter he was promoted as Lecturer on 12.08.1998. He was awarded 1st ACP after completion of 10 years service as Lecturer on 01.09.2008 in the grade pay of Rs.5,400 and he can be considered for awarding ACP as Lecturer in the grade pay of Rs.6,000/- after completion of 16 years of regular satisfactory service as per Govt. notification dated 04.03.2014 for implementation of Haryana Civil Services (Revised Pay) Rules, 2008 and Haryana Civil Services (ACP) Rules 2008.

As per the reply, respondents are admitting that petitioner is entitled for 2nd ACP in the grade pay of Rs.6,000/- after completion of 16 years service.

At this stage, learned counsel for the petitioner is restricting the claim of the petitioner to grant 2nd ACP with grade pay of Rs.6,000/-.

Hence, the writ petition is being allowed only to this extent that the petitioner is entitled for 2nd ACP in the grade pay of Rs.6,000/- after completion of 16 years with all consequential benefit with interest @ 6% per

annum from the date of entitlement of 2nd ACP till the date of realization.

06.01.2020
Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No