

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.18497 of 2016 (O&M)

Date of Decision: 04.02.2020

Attar Singh

.....Petitioner

Vs.

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.S. Malik, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J. (ORAL)

The petitioner is seeking quashing of the order dated 10.08.2016 (Annexure P-6), whereby his claim for grant of 2nd ACP after counting the previous service rendered in Government aided institution from 01.08.1979 to 31.03.1986, has been rejected.

This Court, vide judgment dated 24.07.2015 passed in **Uma Devi and others vs. State of Haryana and others**, 2015 (3) SCT 553 (Annexure P-7), had allowed a petition filed by the teachers to count their services rendered in private aided school after being absorbed in the Government schools for the purpose of ACP after completing 10/20 years of service. The said writ petition had been allowed following the judgment passed by this Court in **Shyam Kumar vs. State of Haryana and others**, CWP No.6586 of 2008 (decided on 24.07.2009).

Learned State counsel has argued that the petitioner, in the present case, was appointed by way of direct recruitment, therefore, his

previous services rendered in privately managed Govt. aided school cannot be added for the purpose of ACP. However, his previous service has been counted for pension. As per ACP Rules of 2008, only regular satisfactory service has to be counted for the purpose of granting this benefit and the past service rendered in privately managed Govt. aided school cannot be counted for this purpose. He has referred to the judgment passed by this Court in **Parmod Kumar and others vs. State of Haryana and others**, CWP No.6305 of 2009 (decided on 17.09.2018).

In **Shyam Kumar's** case (supra), this Court was considering the case of Sanskrit Teacher, who had been selected by the Committee and joined the DAV School on 10.11.1983. Thereafter, he applied through proper channel and was selected for Government service, where he joined on 27.09.1988. The said petition was allowed giving direction to the respondents to count the service rendered by him in DAV School, which was receiving grant-in-aid from the Government. Against the said judgment, SLP (C) No.18709 of 2010 was filed by the State, which was dismissed on 21.04.2011. Benefit of ACP has been granted to all the employees and claim of the petitioner cannot be rejected on the ground that in recent judgment passed in **Parmod Kumar's** case (supra), Co-ordinate Bench of this Court has held that ad hoc service cannot be counted for the purpose of ACP. Judgment in **Parmod Kumar's** case came in the year 2018, whereas the petitioner had approached this Court in 2016. Moreover, necessary benefit has already been granted to all the employees as per judgments passed in **Uma Devi** and **Shyam Kumar's** cases (supra).

In view of the above discussion, impugned order dated 10.08.2016 (Annexure P-6) is set aside and the respondents are directed to

grant benefit of 2nd ACP to the petitioner after counting his previous service rendered in Government Aided Institution against sanctioned post w.e.f. 01.08.1979 to 31.03.1986.

Allowed accordingly.

(RITU BAHRI)
JUDGE

04.02.2020
ajp

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