

IN THE HIGH COURT OF PUNJAB ANDHARYANAAT
CHANDIGARH

CWP No. 2371-2017
Date of decision:-08.01.2020

Bhoop Singh & anr.

.....Petitioners

vs.

State of Haryana and ors.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. P.K. Ganga, Advocate
for the petitioners.

Mr. Harish Nain, AAG, Haryana

RITU BAHRI, J.

Petitioners have filed the present petition for issuance of writ in in the nature of mandamus directing respondents to grant 2nd ACP and 3rd ACP with all consequential benefits to them, which is due since 2006, as the case of petitioners is squarely covered by the judgment dated 27.04.2016 (P-4) passed in CWP No. 10051-2013 titled as ***Prithvi Singh vs. State of Haryana and others*** and judgment dated 24.07.2015 (P-5) passed in ***CWP No. 23074-2010 titled as Ram Pal Patwari and others vs. State of Haryana and others.***

On notice of the writ petition, a written statement has been filed on behalf of respondent Nos. 1 to 3 admitting the fact that petitioner No. 1 joined his service as Revenue Patwari on 01.01.1986. Thereafter, petitioner No. 1 cleared the mandatory departmental test of Kanungo on 16.12.2016 and was granted the selection ACP scale w.e.f 01.01.2007, vide order dated 22.03.2018 (R-1). Further it has been admitted that on the similar issue, this

Court allowed CWP No. 10051-20013, 15880-2013 and 23074-2010. But State of Haryana filed LPA No. 882-2017 against order dated 24.07.2015 in CWP No. 23074-2010 and stay has been granted by this Court. Further in LPA No. 1865-2015, the impugned judgment has been stayed vide order dated 15.07.2016.

However, learned counsel for the petitioners has referred to LPA No. 547-2019 which was filed by State of Haryana against judgment and order dated 27.04.2016 (P-4) and this LPA was dismissed on 13.03.2019 on the ground of delay itself. It has been observed that a subsequent circular which has been issued could not entitle the State to withdraw the benefit of ACP extended in compliance of the judicial order passed by this Court.

Keeping in view the fact that LPA No. 547-2019 stands dismissed on 13.03.2019, the present writ petition is allowed and petitioners are entitled for 2nd ACP and 3rd ACP with all consequential benefits w.e.f 01.01.2006, keeping in view the fact that their case is squarely covered vide judgment dated 27.04.2016 (P-4).

08.01.2020
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No