IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CWP No. 9820 of 2013

Hanuman Singh Panwar ...Petitioner

versus

State of Haryana and others ...Respondents

2. CWP No. 10182 of 2013

Neeraj Kush ...Petitioner

versus

State of Haryana and others ...Respondents

Date of decision : 04.03.2020

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ravinder Malik (Ravi), Advocate
for the petitioner (s).

Mr. D.S. Nalwa, Addl. A.G. Haryana

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RITU BAHRI , J.

This order shall dispose of the above two petitions as common question of facts are involved in the above petitions wherein petitioners are seeking issuance of direction to implement the statutory provision of Time Scale. However, for facility of reference the facts are being taken from CWP No. 9820-2013.

The short point for consideration in the present writ petition is that as per notification dated 30.12.2008, the petitioners who are working in the Transport Department as District Attorneys are entitled for grant of Cadre Specific ACP scheme.

It is not in dispute that Government of Haryana has introduced two categories of ACP scheme for the servants of Haryana Government.

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The first category of scheme is Cadre Specific Assured Carrer Progression Scheme for some cadres/posts prescribing time scales. The second category of scheme is primarily to remove stagnation in service in the form of a general Assured Carrer Progression scheme to ensure that all Government servants whose cadres are not covered by any cadre specific ACP get at least three financial upgradation under Rule 1 (3) of the ACP Rules, 2008, which reads as under:-

> *1 (3) The objective of these rules is to provide two categories of assured career progression schemes for the government servants of Haryana –the first category of scheme is cadre-specific Assured career progression schemes for some cadres/posts prescribing time scales. The second category of scheme is primarily to remove stagnation in service, in the form of a general assured career progression scheme. The second category scheme seeks to ensure that all government servants, whose cadres are not covered by any cadre-specific assured career progression scheme, get at least three financial upgradations, including financial upgradation, availed by such government servants as a consequence of functional promotion during his entire career. It also seeks to ensure that no government servant stagnates without any financial upgradation for more than ten years unless he has already availed three financial upgradations in his career.*

A perusal of above Rules shows that the case of the petitioners is not in the first grade scheme i.e Cadre Specific Assured Carrer Progression Scheme, thus, the petitioners cannot claim the implementation of ACP scheme with some cadres/posts prescribing time scales. The

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petitioners have rightly been granted benefit in the second category of scheme, which is in the form of General Assured Carrer Progression scheme which ensure that all Government servants whose cadres are not covered by any cadre specific ACP get at least three financial upgradation under Rule 1 (3) of the ACP Rules, 2008.

In view of the above factual position, the writ petition is dismissed.

(RITU BAHRI)
JUDGE

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

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