

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-14993-2021 (O&M)
Date of Decision: 09.08.2021

Gurinder Singh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. DS Gandhi, Advocate for the petitioner

Mr. Ayush Sarna, AAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

The petitioner has filed the present writ petition *inter alia* seeking a direction to the respondents to grant him the benefit of ACP scheme along with 18% interest.

The petitioner joined as Ticket Stock Verifying Clerk on 24.12.1976 in PRTC and was thereafter promoted as Senior Assistant on 04.01.2010. He retired from service w.e.f. 30.04.2014 on attaining the age of superannuation. The benefit of ACP has been withheld statedly due to ACR and service record which, according to the petitioner, was never conveyed to him. Reliance is placed on **Sukhdev Singh vs. Union of India (2013) 9 SCC 566** holding the non-communication of ACR to public servants, which bears civil consequences, as arbitrary and violative of Article 14 of the Constitution.

Learned counsel submits that for the same/similar grievance, the petitioner has got served a legal notice dated 23.03.2021 (P10) upon the respondents but to no effect.

Notice of motion.

On the asking, Mr. Ayush Sarna, AAG Punjab accepts notice on behalf of all the respondents, through video conferencing.

At this stage, learned counsel makes a request that the petitioner would be satisfied if a direction is issued to the competent authority to decide the legal notice (P10) in a time bound manner.

Having heard learned counsel for the parties and without commenting upon the merits of the case, the writ petition is disposed of with a direction to the competent authority to consider and decide the claim of the petitioner as contained in the legal notice (P10) by passing a speaking order within three months from the date of receipt of certified copy of this order.

Needless to say that in case the petitioner is found entitled on merits to the claim as raised in the legal notice (P10) and if there is no legal impediment, the same be disbursed within one month from the date of decision of the legal notice.

So ordered.

09.08.2021

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No